

Municipal Property Act

Promulgated, State Gazette No. 44/21.05.1996, effective 1.06.1996, amended, SG No. 104/6.12.1996, effective 7.01.1997, SG No. 55/11.07.1997, effective 11.07.1997, amended and supplemented, SG No. 22/24.02.1998, amended, SG No. 93/11.08.1998, SG No. 23/12.03.1999, SG No. 56/22.06.1999, SG No. 64/16.07.1999, amended and supplemented, SG No. 67/27.07.1999, effective 28.01.2000, amended, SG No. 69/3.08.1999, effective, 3.08.1999, amended and supplemented, SG No. 96/5.11.1999, amended, SG No. 26/29.03.2000, supplemented, SG No. 34/6.04.2001, amended, SG No. 120/29.12.2002, amended and supplemented, SG No. 101/16.11.2004, amended, SG No. 29/7.04.2006, SG No. 30/11.04.2006, effective 12.07.2006, SG No. 36/2.05.2006, effective 1.07.2006, SG No. 59/20.07.2007, effective 1.03.2008, amended and supplemented, SG No. 63/3.08.2007, effective 3.08.2007, supplemented, SG No. 92/13.11.2007, amended and supplemented, SG No. 54/13.06.2008, amended, SG No. 70/8.08.2008, SG No. 100/21.11.2008, effective 21.11.2008, SG No. 10/6.02.2009, supplemented, SG No. 17/6.03.2009, amended, SG No. 19/13.03.2009, effective 10.04.2009, amended and supplemented, SG No. 41/2.06.2009, SG No. 87/5.11.2010, SG No. 15/18.02.2011, amended, SG No. 19/8.03.2011, effective 9.04.2011, amended and supplemented, SG No. 45/15.06.2012, effective 1.01.2013, SG No. 91/20.11.2012, amended, SG No. 15/15.02.2013, effective 1.01.2014; Judgment No. 6/15.07.2013 of the Constitutional Court of the Republic of Bulgaria - SG No. 65/23.07.2013; amended, SG No. 66/26.07.2013, effective 26.07.2013, SG No. 109/20.12.2013, SG No. 98/28.11.2014, effective 28.11.2014, SG No. 105/19.12.2014, amended, SG No. 13/16.02.2016, effective 15.04.2016, SG No. 43/7.06.2016, amended and supplemented, SG No. 13/7.02.2017, SG No. 96/1.12.2017, effective 1.01.2018

*Note: An update of the English text of this Act is being prepared following the amendments in SG No. 77/18.09.2018, effective 1.01.2019

Text in Bulgarian: Закон за общинската собственост

Chapter One GENERAL PROVISIONS

Article 1

(Amended, SG No. 96/1999, SG No. 101/2004)

The present Act regulates the acquisition, management and disposal of property, which constitute municipal property, unless otherwise provided for by special law.

Article 2

(Amended, SG No. 64/1999, SG No. 67/1999, amended and supplemented, SG No. 96/1999, amended, SG No. 26/2000, SG No. 101/2004)

(1) Municipal property shall be the following:

1. Real property and chattels as determined by law;
2. Real property and chattels handed over as ownership of a municipality by law;
3. Real property the ownership of which has been restored to a municipality under terms and conditions and following a procedure as established by law;

4. Real property and chattels granted by donation or will to a municipality;
5. Real property and chattels acquired by a municipality through voluntary work and/or cash contributions by the community;
6. Real property and chattels acquired by a municipality in the course of liquidation of companies with municipal participation;
7. Real property and chattels acquired by a municipality through a legal transaction, by statute of limitation or otherwise in a manner established by law.

(2) Real property and chattels of companies and non-for-profit legal entities shall not constitute municipal property even where the municipality had been the sole owner of any property transferred to them.

Article 2a

(New, SG No. 22/1998, amended, SG No. 101/2004)

Where individual settlements move to another municipality as a result of administrative and territorial changes, the properties and chattels under Article 2, paragraph (1) on their territory shall be transferred to the patrimony of the municipality to which the respective town or village moves.

Article 3

(1) Municipal property shall be public and private domain.

(2) (Amended, SG No. 96/1999, SG No. 101/2004) Municipal property in public domain shall be:

1. Real property and chattels as determined by law;
2. Real property assigned for the performance of functions of local government authorities and local administration;
3. Other real property assigned for long-term meeting of public needs of local importance as identified by the municipal council.

(3) Private municipal property shall be deemed all other municipal real property and chattels. The products and revenues from real property and chattels in municipal public domain ownership shall be the private property of the municipality.

Article 4

The municipality can be held liable for the liabilities of persons due up to the day it gratuitously acquired the property and chattels of the said persons, in the amount of their value.

Article 5

(Amended, SG No. 96/1999)

(1) (Amended, SG No. 101/2004) The municipality shall ascertain the emergence of, change in, and termination of its property rights over any property by means of a municipal property deed.

(2) (Amended, SG No. 101/2004) The municipal property deed shall be an official document drawn up by an official following a procedure and in a form as established by the law.

(3) The municipal property deed shall not have the power to engender legal rights.

Article 6

(1) (Supplemented, SG No. 96/1999) Real property and chattels in municipal public domain ownership which have ceased to have the uses described in Article 3, paragraph (2), shall be declared private municipal property by the municipal council.

(2) Any real properties and chattels, which had been private municipal property but have acquired the uses under Article

3, paragraph (2) shall be declared public municipal property.

(3) (Amended, SG No. 96/1999, SG No. 54/2008) Decisions of the municipal council pertaining to paragraph (1) shall be adopted by a majority of two thirds of the total number of council members, while the decisions pertaining to paragraph (2) shall be adopted by a majority of more than half of their total number.

Article 7

(1) (Supplemented, SG No. 96/1999, SG No. 54/2008, amended, SG No. 19/2011, effective 9.04.2011) Real property and chattels in municipal public domain ownership, land included in the municipal land fund, and the wooded areas in municipal ownership cannot be acquired under a statute of limitation.

(2) (Amended and supplemented, SG No. 96/1999, amended, SG No. 101/2004) Real property and chattels in municipal public domain ownership cannot be expropriated nor transferred into a third-party ownership. Real property in municipal public domain ownership can be encumbered with liens solely in cases as determined by law.

(3) (Amended, SG No. 101/2004, SG No. 54/2008) Real property and chattels in municipal private domain ownership can be the subject of disposal. For them, the general provisions with regard to ownership shall apply, unless otherwise provided for in this Act.

(4) (New, SG No. 17/2009) Title to real property in municipal public domain ownership shall not be subject to restitution.

Article 8

(Amended, SG No. 69/1999, SG No. 96/1999, supplemented, SG No. 63/2007, amended, SG No. 54/2008)

(1) Real property and chattels in municipal ownership shall be acquired, managed and disposed with under the general supervision and control of the municipal council.

(2) (Supplemented, SG No. 45/2012, effective 1.01.2013, amended, SG No. 96/2017, effective 1.01.2018) The procedure for acquisition of right of ownership and liens, for placing at another's disposal, for leasing out and for disposal of real property and chattels in municipal ownership, and the powers of the mayor of the municipality, of the mayors of districts, of the mayors of mayoralities and of the mayor deputies shall be established through an Ordinance of the municipal council subject to the provisions of this Act and of the special laws in this field.

(3) The Ordinance referred to in paragraph (2) shall also establish the procedure for leasing out of real property or parts thereof in municipal ownership which has been placed at the disposal of schools, kindergartens or auxiliary units.

(4) Real property and chattels in municipal ownership shall be leased out and disposed with through a public tender or publicly announced competition, unless otherwise provided for by law. Tenders and competitions shall be conducted under terms and procedure established by the municipal council through the Ordinance referred to in paragraph (2).

(5) The municipal council shall determine the real property, except for that referred to in Article 12, paragraph (2), to be placed at the disposal of the relevant mayors of districts and mayoralities. In case of sale or leasing out of real property placed at the disposal of the mayors of districts or mayoralities, at least 30 per cent of the proceeds from the sale or leasing out shall be transferred to the bank account of the ward or mayorality wherein the relevant real property is located and shall be used for locally significant activities as determined by the municipal council.

(6) In the case of the Municipality of Sofia and cities containing districts, the municipal council shall, through the Ordinance referred to in paragraph (2), determine the powers of the mayors of districts regarding the placing at another's disposal, the conducting of tenders or competitions and the contracting of lease or disposal agreements regarding the real property placed at their disposal in the territory of the ward.

(7) Mayors of districts and mayors of mayoralities, or staff members of the relevant administration appointed by them, shall be involved as members of the committees conducting the tenders or competitions in the cases when the leasing out or disposal of real property in the territory of the ward or mayorality is performed by the mayor of the municipality.

(8) The municipal council shall adopt for its term of office a municipal property management strategy proposed by the mayor of the municipality. That strategy shall determine the policy of development of the municipal property and the economic activities of the municipality and shall contain:

1. the basic goals, principles and priorities in the acquisition, management and disposal of real property in municipal

ownership;

2. the basic characteristics of the different types of real property which can be leased out or disposed with;
3. the municipality's need for new real property and the capabilities for its acquisition;
4. other information indicated by the municipal council.

(9) (Amended, SG No. 45/2012, effective 1.01.2013, amended and supplemented, SG No. 96/2017, effective 1.01.2018) To implement the strategy, referred to in paragraph (8), the municipal council shall adopt an action plan for the municipal concessions in accordance with the Concessions Act and an annual municipal real property management and disposal program, proposed by the mayor of the municipality. The program shall be adopted no later than the adoption of the municipal budget for the relevant year and may be updated in the course of the year, whereupon, if need be, the municipal budget shall also be updated. The Programme shall be in compliance with the action plan for the municipal concessions and shall contain:

1. a forecast of expected income and requisite expenses related to the acquisition, management and disposal of real property in municipal ownership;
2. (supplemented, SG No. 45/2012, effective 1.01.2013, amended, SG No. 96/2017, effective 1.01.2018) a description of the real property which the municipality intends to propose to be leased out, sold, put in as a non-monetary contribution to the capital of companies, used for setting up of liens, as well as for award by way of;
3. a description of the real property which the municipality intends to propose to be exchanged for property of individuals or legal entities, including a detailed description of the needs and type of the real property which the municipality wishes to acquire in return;
4. a description of the real property which the municipality intends to acquire, and the relevant acquisition methods;
5. (new, SG No. 15/2011) the sites for the development of which private property has to be alienated;
6. (new, SG No. 15/2011) the sites of prime importance referred to in Item 5;
7. (renumbered from Item 5, SG No. 15/2011) other information indicated by the municipal council.

(10) (Supplemented, SG No. 96/2017, effective 1.01.2018) The strategy referred to in paragraph (8), the action plan for the municipal concessions and the program referred to in paragraph (9), as well as any changes therein, shall be made public following a procedure established through the Ordinance referred to in paragraph (2), and shall be published on the municipality's website.

(11) (Supplemented, SG No. 45/2012, effective 1.01.2013, amended, SG No. 96/2017, effective 1.01.2018) The municipal council's and the mayor's deeds of acquisition, management and disposal of real property and chattels in municipal ownership are subject to control and may be challenged following the procedure provided for in Article 45 of the Local Self-government and Local Administration Act, except in cases provided for in the Concessions Act.

(12) (New, SG No. 45/2012, effective 1.01.2013, repealed, SG No. 96/2017, effective 1.01.2018).

Article 9

(Amended and supplemented, SG No. 101/2004, amended, SG No. 36/2006, SG No. 54/2008)

(1) (Supplemented, SG No. 91/2012, effective 1.01.2013) Built-up property in municipal public domain ownership must necessarily be insured, including against the risk of natural disasters and earthquakes.

(2) (Amended, SG No. 91/2012, effective 1.01.2013) The municipal council shall determine the real private property in municipal ownership, subject to obligatory insurance, including against insurance risks under paragraph 1.

(3) The mayor of the municipality shall determine the chattels in municipal ownership that shall be subject to obligatory insurance.

(4) (Amended, SG No. 45/2012, effective 1.01.2013, amended and supplemented, SG No. 96/2017, effective 1.01.2018) Insurance premiums shall be covered by the budget of the municipality or of the relevant budget-funded organizations or

legal entities at whose disposal the real property and chattels referred to in paragraphs (1) - (3) have been placed. The insurance premiums for real property and chattels referred to in paragraphs (1) - (3) which have been leased out, awarded to someone to use or granted on concession shall be covered by the lessees, users or concessionaires.

(5) (New, SG No. 91/2012, effective 1.01.2013) Deductible shall not be allowed concerning obligatory insurance of the real property under paragraph 1 and 2 against the risk of "natural disasters" and "earthquakes".

Article 10

(Amended, SG No. 96/1999, SG No. 101/2004)

Units for the performance of the functions and tasks under this Act shall be set up within the structure of municipal administration and ward administration.

Chapter Two

MANAGEMENT OF REAL PROPERTY AND CHATTELS CONSTITUTING MUNICIPAL PROPERTY

(Title amended, SG No. 96/1999)

Article 11

(1) (Amended, SG No. 96/1999, SG No. 101/2004) Real property and chattels in municipal ownership shall be managed in the interest of the community of the municipality, in accordance with the provisions of the law and with the care of a good husband.

(2) (Amended and supplemented, SG No. 101/2004) Real property and chattels in municipal ownership shall be used in accordance with their assigned use and for the purposes of the needs for which they have been handed over. No real property and chattels handed over can be remised for use, nor used jointly under a contract with third parties, nor leased out, nor subleased in cases other than those provided for by law.

Article 12

(Amended and supplemented, SG No. 96/1999, amended, SG No. 101/2004)

(1) Real property and chattels in municipal ownership shall be handed over free of charge for management by legal entities and units maintained by the municipal budget.

(2) The real properties referred to in Article 3, paragraph (2), subparagraph (2) shall be managed by the mayor of the municipality or the mayor of the ward, mayor of the mayoralty or mayor's deputy, as the case may be, depending on their location.

(3) Real property and chattels in municipal ownership which are not necessary for the purposes of meeting the needs of municipal bodies or those of legal entities and units maintained by the municipal budget can be handed over free of charge for management to other legal entities maintained by the municipal budget or to their structures in other geographic locations.

(4) The hand-over procedure for free-of-charge management of real property and chattels in municipal ownership shall be established by the municipal council in the Ordinance referred to in Article 8, paragraph (2).

(5) (Supplemented, SG No. 54/2008) Real property and chattels in municipal ownership which have not been handed over to other persons for management shall be managed by the mayor of the municipality.

(6) Where the need for a handed-over property is no longer there or where it is being used in breach of the provisions set up in Article 11, such real property shall be taken under an order issued by the mayor of the municipality.

Article 13

(1) (Redesignated from Article 13, amended, SG No. 96/1999, repealed, SG No. 101/2004).

(2) (New, SG No. 96/1999) The municipality shall hold possession and manage abandoned real properties on its territory under a procedure to be established by the Ordinance specified under Article 8, paragraph (2).

Article 14

(Amended and supplemented, SG No. 96/1999, supplemented, SG No. 34/2001, amended, SG No. 101/2004)

(1) Vacant non-residential property in municipal private domain ownership which is not needed for the purposes of the bodies of the municipality or those of the legal entities maintained by the municipal budget may be leased out to third parties.

(2) (Amended, SG No. 63/2007, SG No. 54/2008, supplemented, SG No. 15/2011, SG No. 45/2012, effective 1.01.2013) The leasing out of properties referred to in paragraph (1) shall be done by the mayor of the municipality upon holding a public tender or a publicly announced competition, except in the cases where leasing without a public tender or competition is provided by law or in cases where a different procedure is provided. Based on such decision of the municipal council, a lease agreement shall be executed by the mayor of the municipality or an official empowered by him/her.

(3) The time for which the properties referred to in paragraph (1) are to be leased out shall be determined by the municipal council in the Ordinance referred to in Article 8, paragraph (2) and cannot exceed 10 years.

(4) Leasing out properties referred to in paragraph (1) for the needs of municipal leaderships of political parties which meet the requirements stipulated in the Political Parties Act shall be done by the mayor of the municipality without any tender or competition following a procedure as established in the Ordinance referred to in Article 8, paragraph (2). The rent amount shall be determined under the terms of the Political Parties Act.

(5) Leasing out properties referred to in paragraph (1) for the needs of municipal leaderships of trade union organizations shall be done without any tender or competition by the mayor of the municipality following a procedure as established in the Ordinance referred to in Article 8, paragraph (2).

(6) (Amended, SG No. 54/2008, supplemented, SG No. 15/2011) Under a decision of the municipal council, properties referred to in paragraph (1) may be leased out without any tender or competition for health care, educational and social activities to meet the relevant needs of the population, as well as of not-for-profit legal entities operating for the public benefit, following the procedure set up in the Ordinance referred to in Article 8, paragraph (2). Under that same procedure, leases may be given to companies for land property needed as terrains for temporary use, for auxiliary or additional sites, communications and others related to the construction, rehabilitation/repair and maintenance of technical infrastructure sites, for the duration of such construction and rehabilitation/repair works. Based on such decision of the municipal council, a lease agreement shall be executed by the mayor of the municipality or an official empowered by him/her.

(7) (Amended, SG No. 15/2011) Free property or parts thereof in municipal public domain ownership may be leased for a period of up to 10 years under the conditions and procedure of Paragraph (2) following a decision of the municipal council. Parts of property in municipal public domain ownership, which have been handed over for management under the procedure of Article 12, may be leased, provided that this does not hinder the activities for which the relevant property has been provided for management.

(8) Rental prices shall be determined by the municipal council.

(9) (New, SG No. 92/2007, repealed, SG No. 54/2008).

Article 15

(1) Rental relations shall be discontinued:

1. due to a failure to pay the price of the rental for more than a month, or due to a systematic failure to pay on time;

2. due to new construction, superstruction or addition to the existing building, which have been permitted in the due procedure, where these affect the space being used;

3. (amended, SG No. 96/1999) due to bad management;

4. with the expiry of the term of the occupancy;
5. (amended, SG No. 101/2004) where a lessee under Article 14, paragraphs (4), (5) and (6) gains possession of facilities of the same type which are fit for constant use;
6. (amended, SG No. 101/2004) where the lessee no longer meets the terms established in the Ordinance under Article 8, paragraph (2);
7. (amended, SG No. 101/2004) where the space is being used in violation of the limitations under Article 11;
8. (amended, SG No. 101/2004, supplemented, SG No. 54/2008) on the grounds of the Ordinance referred to in Article 8, paragraph (2), or on other grounds set out in the contract.

(2) Upon termination of rental relations under paragraph 1, item 2, the lessee shall be provided with a different facility of the same type.

(3) (Amended, SG No. 101/2004) Rental relations under Article 14, paragraph (3) and (7) shall be terminated in the procedure under the Obligations and Contracts Act.

(4) (Amended, SG No. 101/2004) Rental relations under Article 14, paragraphs (4) (5) and (6) shall be terminated through an order of the respective mayor which identifies the grounds for the termination of the rental relation, the evidence obtained, and the notice for vacating the space, which cannot exceed one month.

(5) (Supplemented, SG No. 101/2004, amended, SG No. 30/2006, effective 1.03.2007) The order under paragraph (4) can be appealed against at the Administrative Court in the procedure under the Administrative Procedure Code . Such appeal shall not stay the execution of the order, unless the court rules otherwise.

Article 16

(Amended, SG No. 101/2004)

Maintenance and repair of real properties and chattels in municipal ownership shall be performed by such persons to which they have been handed over for management, with the necessary funds being provided for on an annual basis in their budgets.

Article 17

(1) (Amended, SG No. 101/2004) Maintenance and routine repairs on real property and chattels in municipal ownership that have been leased out or handed over for use shall be done by lessees or users pursuant to the provisions of the Obligations and Contracts Act.

(2) In a contract, it may be agreed that major repairs/ overhauls be done at the expense of lessees and users.

Article 18

(1) (Amended, SG No. 101/2004) In the emergence of an urgent municipal need, tenants of facilities under Article 14, paragraphs (4), (5) and (6) are obliged to vacate them within three months of the date the vacation notice is presented.

(2) (Amended, SG No. 101/2004) In case the property under paragraph (1) is not vacated voluntarily, it shall be vacated through an administrative procedure on the basis of an order of the mayor of the municipality which is executed with the assistance of the police authorities.

(3) (Supplemented, SG No. 101/2004, amended, SG No. 30/2006, effective 1.03.2007) The order under paragraph (2) can be appealed against in the Administrative Court in the procedure stipulated in the Administrative Procedure Code . Such appeal shall not stay the execution of the order, unless the court rules otherwise.

Article 19

(Amended, SG No. 96/1999, 101/2004)

Chattels in municipal private domain ownership shall be leased out under terms and procedures established in the Ordinance under Article 8, paragraph (2).

Article 20

(Amended, SG No. 96/1999, SG No. 19/2009, effective 10.04.2009)

Cultural values which are municipal property shall be used under terms and procedures established in special laws.

Chapter Three

COERCIVE EXPROPRIATION OF PRIVATE REAL PROPERTY FOR MUNICIPAL USES

Article 21

(Amended, SG No. 96/1999, SG No. 101/2004)

(1) (Supplemented, SG No. 54/2008, amended, SG No. 70/2008, amended and supplemented, SG No. 15/2011) Real properties owned by natural persons or legal entities may be expropriated coercively to meet municipal needs which cannot be met in other ways, on the basis of an effective detailed master plan envisaging the development of sites in municipal public domain ownership, or an approved master plan providing for the development of sites of prime importance - municipal public domain ownership for which there is an effective order for allowing preliminary execution thereof, as well as in other cases provided for by law, following advance and equitable compensation in cash or in property.

(2) For the purposes of construction and operation of the sites referred to in paragraph (1), it shall be possible to expropriate real properties or parts thereof which are immediately affected by the envisaged construction or which are rendered unfit for building upon or for use under the land planning, sanitary and hygiene and fire safety rules and standards and the security and safety requirements.

(3) Parts of real properties may be expropriated only when the remainder of the real property meets the requirements as established by law, in accordance with its type, location and designated use.

(4) (Supplemented, SG No. 15/2011, amended, SG No. 109/2013) Real properties referred to in paragraph (1) shall not be expropriated if prior to the issuance of the order referred to in Article 25 (2) the municipality acquires ownership of them through purchase, through exchange for an equivalent municipal real property or if their owners set up liens in favour of the municipality.

(5) (New, SG No. 15/2011) In the cases referred to in Paragraph (4) the mayor of the municipality shall table a motion before the municipal council for approval of the advance agreement achieved with the owners of properties referred to in Paragraph (1) for the conclusion of a transaction for acquiring the ownership of the respective properties or for setting up liens thereon.

(6) (Renumbered from Paragraph (5), SG No. 15/2011) Real properties owned by the state may not be expropriated coercively for municipal needs. Where the needs of the sites referred to in paragraph (1) involve real property in eminent domain of the state, these shall be transferred free of charge into municipal ownership following the procedure set out in the State Property Act.

(7) (New, SG No. 54/2008, renumbered from Paragraph (5), amended, SG No. 15/2011) The detailed master plans referred to in paragraph (1) shall be approved by the municipal council regardless of their scope.

(8) (New, SG No. 15/2011) Where the approved detailed master plan provides for the development of sites of prime importance - public municipal property, the municipal council may order implementation of the plan in advance.

(9) (New, SG No. 15/2011) The properties expropriated for municipal needs as referred to in Paragraph (1), as well as the properties acquired under the procedure of Paragraph (4) shall become public municipal property.

Article 22

(Supplemented, SG No. 96/1999, amended, SG No. 101/2004)

(1) (Amended, SG No. 15/2011) Expropriation of real properties under Article 21 (1) may be carried out in full or step by step - prior to the commencement of a given stage of construction.

(2) Owners and users of real properties subject to expropriation shall be obligated to provide free access to them for measurement and other technical activities where that is necessary in order to prepare the expropriation request. In case of a denial, access to such properties shall be provided through the assistance of the police authorities. Central government authorities shall be obligated to provide free of charge the entire information at their disposal relating to the real properties that are the subject of such expropriation.

(3) (Amended, SG No. 54/2008, SG No. 15/2011, SG No. 13/2016, effective 15.04.2016) The mayor of the municipality shall assign the determination of equitable compensation in cash for real properties envisaged for expropriation to property appraisers meeting the requirements of the Independent Valuers Act.

(4) (Repealed, SG No. 15/2011).

(5) (New, SG No. 54/2008, amended, SG No. 15/2011) The equitable compensation in cash for the properties designed for expropriation shall be determined in accordance with the concrete use they had before the entry into force, respectively prior to the approval of the detailed master plan referred to in Article 21 (1) herein, and on the basis of market prices of properties with similar characteristics located in the vicinity of the expropriated property.

(6) (New, SG No. 15/2011) The concrete use of properties designed for development with a previous detailed master plan is the use thereof determined by the previous detailed master plan valid before the detailed master plan referred to in Article 21 (1) becomes effective, respectively before the approval thereof.

(7) (New, SG No. 15/2011) The concrete use of properties designed for development of sites that are public state or public municipal property by a previous detailed master plan valid before the detailed master plan referred to in Article 21 (1) becomes effective, respectively before the approval thereof, which have not been expropriated according to the design of the previous plan, shall be their use determined by the detailed master plan valid before the current plan, which provides for the development of sites public state or public municipal property became effective.

(8) (New, SG No. 15/2011) The amount of the equitable compensation in cash referred to in Paragraph (5) for properties included in the scope of an urbanized territory in compliance with an acting master plan, which are not provided for development by a previous detailed master plan, shall be determined as for properties without provisions for development and shall be aligned with the established manner of their actual usage.

(9) (New, SG No. 15/2011) Besides the cases referred to in Article 16 of the Spatial Development Act, where a plan referred to in Article 21 (1) provides for the expropriation of a part of an unregulated lot, while the rest of the property is regulated and is provided for development, the amount of the equitable compensation in cash shall be determined as a difference between the price of the expropriated part of the property and the increased value of the regulated part of the property.

(10) (New, SG No. 15/2011) The amount of equitable compensation in cash shall be determined no earlier than three months prior to the issuance of the order referred to in Article 25 (2).

(11) (New, SG No. 15/2011) Where the determined amount of equitable compensation in cash is less than the property tax valuation the compensation shall be paid to an amount equal to the tax valuation of the property.

(12) (New, SG No. 54/2008, renumbered from Paragraph (6), amended, SG No. 15/2011) In case it is impossible to determine the market value of real property of comparable features for lack of transactions registered with the relevant registry office, the equitable compensation in cash shall be determined subject to the procedure provided for in:

1. Appendix No. 2 to Article 20 of the Local Taxes and Fees Act - for real property in urbanized areas;
2. the Ordinance referred to in Article 36, paragraph (2) of the Ownership and Use of Farmlands Act - for farmlands;
3. (amended, SG No. 19/2011, effective 9.04.2011) the ordinance as per Article 86 (2) of the Forestry Act, in respect of wooded areas.

(13) (Renumbered from Paragraph 5, SG No. 54/2008, renumbered from Paragraph (7), SG No. 15/2011) Upon the entry into force of the detailed master plan, any legally constructed structures and other improvements built by the owner of the real property under the terms and following the procedure set out in Article 49 of the Spatial Development Act shall be paid at the lower of the value of expenses incurred or the appreciated value of the property.

(14) (New, SG No. 54/2008, renumbered from Paragraph (8), amended, SG No. 15/2011) No compensation shall be paid for illegal developments in the land property that is the subject of expropriation.

Article 23

(Amended, SG No. 101/2004, repealed, SG No. 54/2008, new, SG No. 15/2011)

(1) Where a plan referred to in Article 21 (1) provides for the expropriation of unregulated properties outside urbanized territories, which are undeveloped agricultural lands or forested spaces, the compensation may be effected with agricultural land from the municipal land fund, respectively with forested spaces municipal property, identical in origin and functions with the expropriated property, in case the land-use area where the properties planned for expropriation features adequately equal to the properties planned for expropriation free municipal properties of the same kind to compensate all owners of properties included in the plan following a decision of the municipal council by a motion of the mayor of the municipality.

(2) With the motion pursuant to Paragraph (1) the mayor of the municipality shall table a draft plan for compensation, whereby the properties liable to expropriation shall be determined by type, location, area, manner of permanent use and value of each property, as well as the equitable property of the municipality offered for compensation - in terms of type, location, area, manner of permanent use and value of property, taking into account the location of the relevant property liable to expropriation in the locality of the respective land-use area.

(3) In the cases referred to in Paragraph (1) the valuation of the properties liable to expropriation and of the municipal properties shall be effected by the procedure of Items 2 and 3 of Article 22 (12). The difference in the value of the expropriated property and of the municipal property provided as compensation may not exceed or be less than ten per cent. Where the value of the municipal property is less than the value of the expropriated one the difference in values shall be covered by compensation in cash.

(4) On the basis of the decision of the municipal council the mayor shall issue an order pursuant to Article 25 (1) concerning the expropriation of the respective properties pursuant to Paragraph (1) in abidance by the requirements of Article 25 (1).

(5) A property shall be considered expropriated from the date the order referred to in Paragraph (4) becomes effective. From the date the order for expropriation becomes effective the owner of the expropriated property shall acquire ownership of the municipal property provided as compensation thereto.

(6) After the order of expropriation becomes effective a memorandum of municipal ownership of the expropriated property shall be compiled, which shall be entered in the property register under the relevant property number, while the order referred to in Paragraph (4) shall be entered in the property register under the number of the property provided as compensation.

(7) Where within a period of six months after the order referred to in Paragraph (4) becomes effective the municipality fails to pay the due compensation in cash for the difference in the value referred to in Paragraph (3) the owner of the expropriated property shall have the rights referred to in Article 29 (6).

(8) The provisions of Paragraph (1) shall not apply where the property designated for expropriation is less than 0.3 ha for fields, 0.2 ha for meadows, 0.1 ha for perennials or 0.1 ha for forest.

(9) The provisions of Paragraph (1) shall not apply also in the cases where unregulated lots falling within the boundaries of territories designed by the acting development plans for expansion of the development boundaries of existing urbanized territories inucleated settlements and dispersed settlements, or the establishment of new dispersed settlements shall be provided for by a detailed plan pursuant to Article 16 of the Spatial Development Act.

(10) In the cases referred to in Paragraph (8) owners shall be compensated in cash to an amount equal to that determined under the conditions and by the procedure of Article 22.

Article 24

(Repealed, SG No. 101/2004).

Article 25

(Amended, SG No. 101/2004)

(1) (Amended, SG No. 54/2008) The mayor of the municipality shall publish an announcement in two national and one local daily newspapers to inform the owners of the real property about the forthcoming expropriation, and shall send a

copy of such announcement to the mayors or mayor deputies of the districts or mayoralties in the territory of which the real property or parts thereof, which is private property and is the subject of expropriation, is located. The mayors or mayor deputies shall place the announcement at the locations designated for that purpose in the building of the municipality, ward or mayoralty, or in the town or village in whose territory the real property that is the subject of expropriation is located. The announcement shall also be published on the municipality's website. The announcement shall contain:

1. (amended and supplemented, SG No. 15/2011) the designated use of the real properties under the effective, respectively approved, improved detailed master plan referred to in Article 21 (1);
2. the reasons for such expropriation;
3. the type, location, size and owners of each of the real properties to be expropriated;
4. (supplemented, SG No. 15/2011) The amount of compensation due, and in the case of compensation by property - the type, location, dimensions, manner of permanent use and the value of the property provided in compensation, as well as the amount of the compensation in cash for further payment in case of a difference in the value of the properties.

(2) (Amended and supplemented, SG No. 54/2008, supplemented, SG No. 15/2011, amended, SG No. 109/2013) The mayor of the municipality shall issue an expropriation order, stating in it the reasons for the expropriation, the type, location, size and owner of the real property, the compensation amount, and in the case of compensation by property - the type, location, dimensions, manner of permanent use and the value of the property provided in compensation, as well as the amount of the compensation in cash for further payment in case of a difference in the value of the properties, the commercial bank where the compensation is to be deposited to the account of the rightful claimants and the initial date, as of which its payment shall begin. The order shall be issued at least one month after publication of the announcement referred to in paragraph (1).

(3) (Amended, SG No. 54/2008, SG No. 87/2010, SG No. 109/2013) The order referred to in paragraph (2) shall be announced to the interested persons under Article 61, Paragraphs (1) and (2) of the Code of Administrative Procedure. A copy of such order shall be placed at the designated places in the building of the municipality, district or mayoralty or in the town or village in whose territory the properties to be expropriated are located, and shall be published on the municipality's website.

(4) (New, SG No. 54/2008, amended, SG No. 109/2013, SG No. 105/2014) When the address of one of the interested persons is unknown or he has not been found at the present and permanent address, the order under Paragraph (2) is announced to the person by the mayor of the municipality under Article 61, Paragraph (3) of the Administrative Code to and by publication of a notice in State Gazette.

Article 26

(Repealed, SG No. 101/2004).

Article 27

(Amended, SG No. 96/1999, SG No. 101/2004)

(1) (Amended, SG No. 30/2006, effective 1.03.2007, supplemented, SG No. 54/2008, amended, SG No. 87/2010, declared unconstitutional by Judgment No. 6 of the Constitutional Court of the Republic of Bulgaria - SG No. 65/2013, amended, SG No. 109/2013) The order of the mayor of the municipality referred to in Article 25, paragraph (2) can be appealed against in the Administrative Court in the jurisdiction of which the property is located, within 14 days of its promulgation.

(2) (Repealed, SG No. 54/2008).

(3) (Amended, SG No. 59/2007, SG No. 54/2008, SG No. 109/2013) Within 3 days after the appeal is lodged the court shall rule in a closed session on the admissibility of the evidence, provided and obtained by the Parties and shall set the date of the case within 7 days. The parties shall be summoned at least three days prior to the court session. The expert witness shall present the conclusion at least three days prior to the court session.

(4) The court must summon also the investor in the site project for the construction of which the real property is being expropriated, where it is different from the municipality.

(5) The time limits referred to in paragraph (3) shall apply also to any postponement of the case.

(6) (Amended and supplemented, SG No. 54/2008) The proceedings in the Administrative Court shall be finalized within two months after the appeal is lodged. The court shall announce its decision within 7 days following the session in which the consideration of the case has been completed. The court's decision shall be final.

Article 28

(Repealed, SG No. 101/2004).

Article 29

(Amended, SG No. 101/2004, SG No. 54/2008) (1) (Amended, SG No. 109/2013) The compensation in cash, determined in the entered into force order referred to in Article 25, paragraph (2) or in the court's decision shall be transferred from the municipality to the bank account of the rightful claimants, specified in the order.

(2) Where it is impossible to identify the owner of the property, or the owner's address is unknown, or in case of dispute among several claimants to the right of compensation or to title to the real property which is the subject of expropriation, the compensation shall be transferred to the municipality's account with the bank. In such cases the municipality shall pay the compensation to the person to whom the court awards the title, through an order by the mayor of the municipality.

(3) (Amended, SG No. 109/2013) The real property shall be considered as expropriated:.

1. in the cases referred to in paragraph (1) - as of the date on which the compensation cash, determined in the entered into force order referred to in Article 25, paragraph (2) or in the court's decision, is transferred from the municipality to a bank account of the rightful claimants.

2. in the cases referred to in paragraph (2) - as of the date on which the compensation cash, determined in the order referred to in Article 25, paragraph (2) is transferred to a municipality bank account.

(4) (Repealed, SG No. 109/2013).

(5) Where the expropriated real property is the only residence of the owner, such property shall be taken over after the expiry of a three months' period as from the payment of compensation.

(6) If the compensation in cash due has not been transferred to a bank account of the owner of the real property within 6 months of the entry into force of the order referred to in Article 25, paragraph (2), or of the court decision, the mayor of the municipality shall, upon the owner's request, repeal the expropriation order.

(7) (New, SG No. 15/2011) The requests for repealing an expropriation order may be filed within three months following the time-limit referred to in Paragraph (6) where the sums due to the owner of the property plus the interest are not transferred to his account prior to the serving thereof.

(8) (New, SG No. 15/2011) Where a request for rescinding the order for expropriation is not filed within the time-limit referred to in Paragraph (7) and within this time-limit the due compensation in cash together with the interest is not transferred to the account of the owner of the property the order for expropriation shall be considered null and void.

Article 30

(Repealed, SG No. 101/2004, new, SG No. 15/2011; declared unconstitutional by Judgment No. 6 of the Constitutional Court of the Republic of Bulgaria - SG No. 65/2013; amended, SG No. 105/2014) Upon request by the municipality the respective administrative court may, at a closed hearing and after having provided an opportunity to the interested parties to express their opinions, allow provisional execution of the act for expropriation, if the municipality would have transferred the compensation, envisaged in the act for expropriation and the court-ordered guarantee under the terms of Article 391, Paragraph (3) of the Code of Civil Procedure would be provided, if so required for protecting state, municipal or public interests of special importance. The determination shall be final. If provisional execution is allowed livery of seisin of the municipality may be performed prior to entry into force of the act for expropriation, when the detailed plan, envisaging the building of the site in municipal public domain ownership would have entered into force. Provisional execution shall not be allowed in regard to a property, which is the only residence of the owner. Provisional execution shall not be allowed if that would inflict on the owners considerable or difficult to remedy damage, which may not be compensated.

(2) The municipality shall owe the owners of the properties under Paragraph (1) compensation for benefits foregone as of the date of entry into possession of the property up to the entry into force of the order for expropriation of the respective

property.

- (3) The municipality shall owe the owners of the properties under Paragraph (1) also a compensation for any damage to the property or for its return into the condition from the moment it was taken over, in case the expropriation is not performed or is repealed.
- (4) The court-ordered guarantee shall serve as security for payment of the compensation under the act of expropriation, increased by the court, as well as of the compensations under Paragraphs (2) and (3).
- (5) In case of effectively allowed provisional execution a building permit shall be issued to the investor in the site project. The building permit shall be issued to the investor in the site project - an assignor within the meaning of the Spatial Development Act.
- (6) Where the property is agricultural land, the compensation referred to in Paragraph (2) shall include the income the owner of the property would have received from selling the produce if the property is tilled, or the lease payment, which he had to receive for the leased land for the period of one economic year.
- (7) Where the property is a forest territory, the compensation referred to in Paragraph (2) shall include the income the owner of the property would have received from selling the wood logged in the case where a permit for logging, transportation and sale of corporeals from additional use, representing economic activity issued by the competent authorities pursuant to the Forestry Act, when a written permit has been issued.
- (8) Where the property is a retail, industrial or agricultural site the compensation referred to in Paragraph (2) shall include the profit, which the property owner would derive, determined based on the profit derived from the site from the previous year or from the previous quarter or month, if the site is a newly established one.
- (9) When buildings are affected, the purpose of which is different from those indicated in Paragraph (8), the compensation shall also include the profit or revenues, which the property owner would derive from letting it.
- (10) Prior to the livery of seisin of the property a memorandum describing its actual condition shall be compiled by a commission appointed by order of the mayor of the municipality and in the case of cities containing districts - by the mayor of the respective district, which commission shall include representatives of the municipality and a valuator. The order shall state the type, location and number of the property, the owner of the property and the date and hour at which the property is described. The memorandum shall be signed by the members of the commission and by the owner of the property.
- (11) The order referred to in Paragraph (10) shall be reported to the owner of the property under the procedure set out in Article 61 of the procedure of the Code of Administrative Procedure not later than 7 days prior to the date on which the description will be effected. Where the owner of the property has been duly notified about the description and fails to attend, the actions shall be carried out and the memorandum shall be compiled in the absence thereof. The expenses on the description of the property and determining the compensations shall be covered by the municipality.
- (12) The memorandum shall be signed by the members of the commission and by the owner of the property. In case of refusal by the owner to sign the memorandum this fact shall be evidenced by the signatures of two witnesses, whose full names, precise address and Personal Numbers shall be recorded in the memorandum. In the cases under the second sentence the memorandum shall be deemed handed over as of the date of its preparation.
- (13) Where the owner of the property has been duly notified about the description and fails to attend, the actions may be carried out and the memorandum may be compiled in the absence thereof. Copy of the memorandum shall be handed over to the owner in the order of the Code of Administrative Procedure and the factual findings, reflected therein shall be accepted as correct until proven otherwise.
- (14) The mayor of the municipality and in the case of cities containing districts - the mayor of the respective district shall issue an order, determining the compensations due under Paragraphs (2) and (3) after the entry into force of the order for expropriation based on the findings, described in the memorandum. The order shall indicate the type, location and owner of the property to whom the compensation should be paid, the date and hour of entry into possession of the property. The compensation shall be paid within one month of the entry into force of the order.
- (15) The order referred to in Paragraph (14) shall be reported to the owner of the property under the procedure set out in Article 61 of the procedure of the Code of Administrative Procedure. The owner of the property may appeal against the amount of the compensation within 14 days of the notification of the order under procedure of the Code of Administrative Procedure.
- (16) The court shall review the appeal under Paragraph (15) and issue a ruling and the proceedings shall be completed within one month of submission thereof. The court shall announce its decision within 7 days following the session in

which the consideration of the case has been completed. The court's decision shall be final. Where the court adjudges a higher amount of the compensation, the municipality shall pay the owner the difference together with the legal interest thereon within one month after the judgement of the court is decreed.

(17) Any difference pursuant to Paragraph (16), together with the lawful interest thereon shall be paid by the mayor of the municipality from the amount, provided as guarantee under Paragraph (4) and in case it is not sufficient for payment of the higher amount of compensation, any balance shall be paid by the municipality.

Article 31

(1) (Amended, SG No. 101/2004, SG No. 15/2011) If within three years, and for sites of prime importance - within five years, of the expropriation of the real property the construction of the site has not begun, as well as in the cases where the approved detailed master plan providing for the construction of sites of prime importance - public domain ownership - is rescinded by the court, while the new effective detailed master plan does not concern the already expropriated property, the mayor of the municipality shall, upon the former owner's request, repeal the expropriation order upon refund of the compensation received.

(2) (Amended, SG No. 15/2011) In the cases under paragraph (1), the municipality shall owe the owner a compensation for the damages incurred.

(3) (Amended, SG No. 101/2004) The municipality shall be entitled to receive payment equal to the expenses incurred or the appreciated value of the real property for any improvements to the property made by it, whichever is lower.

(4) (New, SG No. 15/2011) A request for repealing the order for expropriation may be filed within three months following the expiry of the relevant time-limits referred to in Paragraph (1), respectively after the new detailed master plan becomes effective.

Article 32

(1) (Amended, SG No. 101/2004) Where the expropriated real property is encumbered with liens, the following rules shall apply:

1. the monetary compensation due, in its part up to the claim secured under a mortgage is paid to the mortgage creditor, insofar as his collection is not preceded by another claim which has a priority in redemption;

2. (amended, SG No. 101/2004) in the case of another lien on the property, the monetary compensation due is deposited with a commercial bank and serve as a collateral for the respective claim.

(2) (Amended, SG No. 104/1996, repealed, SG No. 101/2004).

(3) (Amended, SG No. 101/2004) The municipality shall acquire real properties expropriated under this Act with a clear title.

Article 33

(Supplemented, SG No. 15/2011)

No taxes or fees shall be charged on expropriation procedures, compensations and transactions on acquisition of real rights under this chapter.

Chapter Four

ACQUISITION AND DISPOSAL OF REAL PROPERTIES AND CHATTELS CONSTITUTING

IN MUNICIPAL OWNERSHIP

(Title amended, SG No. 101/2004)

Article 34

(Amended and supplemented, SG No. 96/1999, amended, SG No. 101/2004)

- (1) The municipality may acquire right of ownership and liens through a legal transaction, by statute of limitation or in another manner as established by law.
- (2) Acquisition of right of ownership or limited property rights on real property for consideration shall be made upon a resolution of the municipal council and following a procedure as set out in the Ordinance referred to in Article 8, paragraph (2). On the basis of such municipal council resolution, the mayor of the municipality shall enter into a contract.
- (3) (Amended, SG No. 54/2008, SG No. 87/2010) The municipality shall dispose of real property and chattels in municipal private domain ownership through sale, exchange, donation, division, setting up liens for or without consideration, or in another manner as established by law.
- (4) (Amended, SG No. 54/2008) The municipality shall dispose of real property and chattels in municipal private domain ownership through sale, exchange, donation, division, setting up liens for or without consideration, or in another manner as established by law. Disposals shall be engaged into only for real properties the title deeds for which have been recorded under the appropriate procedure with the Registry Office.
- (5) (Repealed, SG No. 54/2008).
- (6) The establishment of liens on sites in municipal public domain ownership shall be done under terms and following a procedure as determined by law.
- (7) Contracts for the acquisition of ownership and for liens on real property, and for the disposal of real property in municipal ownership shall be executed in writing by the mayor of the municipality and shall be recorder upon the order of the registration judge in whose jurisdiction such real property is located. Contracts for the exchange of real property in municipal ownership against real property owned by natural or legal persons shall be recorded according to the jurisdiction in which the municipal real property is located, and in the case of real properties in eminent domain of the state, they shall be recorded according to the jurisdiction in which the state-owned real property is located.
- (8) (New, SG No. 87/2010) As at the date of the disposal contracts referred to in paragraph (7), the deeds for properties constituting municipal property should have been registered in accordance with the relevant procedure with the registry office.

Article 35

(Amended, SG No. 104/1996, amended and supplemented, SG No. 96/1999, amended, SG No. 101/2004)

- (1) (Amended, SG No. 54/2008) Sale of real property and chattels in municipal private domain ownership shall be performed upon a municipal council resolution by the mayor of the municipality through a public tender or publicly announced competition.
- (2) (New, SG No. 63/2007, repealed, SG No. 54/2008).
- (3) (Renumbered from Paragraph 2, SG No. 63/2007) Sale of land in municipal private domain ownership to the owner of a building legally constructed on such land shall be performed by the mayor of the municipality without any tender or competition following a procedure as determined in the Ordinance referred to in Article 8, paragraph (2).
- (4) (Renumbered from Paragraph 3, SG No. 63/2007, amended, SG No. 54/2008) The sale may be performed without any tender or competition following a procedure as determined in the Ordinance referred to in Article 8, paragraph (2):
 1. where the parties are the municipality and the state, or where the parties are municipalities;
 2. where the potential buyers are specified by law.
- (5) (Renumbered from Paragraph 4, SG No. 63/2007) Donation of a real property in municipal private domain ownership shall be performed upon a municipal council resolution adopted by a majority of three-quarters of the total number of council members.
- (6) (Renumbered from Paragraph 5, SG No. 63/2007) Based on the results of the tender or competition, or on the municipal council resolution, as the case may be, the mayor of the municipality shall issue an order and execute a contract.

Article 36

(Amended, SG No. 101/2004)

(1) Termination of joint ownership of real property held between the municipality, the state, natural persons or legal entities shall be performed upon a municipal council resolution following a procedure as determined in the Ordinance referred to in Article 8, paragraph (2) through:

1. Division;
2. Sale of the municipal interest;
3. Buy-out of the interest of the natural persons or the legal entities;
4. Exchange.

(2) In the case of terminating joint ownership under paragraph (1), the provisions of the Ownership Act and of the Code of Civil Procedure shall apply.

(3) Based on the municipal council resolution, the mayor of the municipality shall issue an order and execute a contract.

Article 37

(Amended and supplemented, SG No. 96/1999, amended, SG No. 101/2004)

(1) (Amended, SG No. 54/2008) Building rights on any real property held in municipal private domain ownership shall be instituted upon a municipal council resolution by the mayor of the municipality through a public tender or publicly announced competition and as envisaged in an effective detailed master plan.

(2) (Amended, SG No. 15/2011) With the resolution referred to in Paragraph (1) the municipal council may allow, within the conditions of the public tender or competition, provisions for the payment of the price of the building right or part thereof by providing ownership to the municipality of sites in the newly- constructed building or sites in another building, which are the property of the person in whose name the building permit has been issued, or that person may at own expense develop another site for the needs of the municipality. In these cases the conditions of the tender or the competition shall be approved by the municipal council. The value of the sites provided for ownership by the municipality may not be less than the price of the building right or the respective part thereof.

(3) Where building rights have been instituted for a fixed period of time, upon the lapse of the term for which they have been instituted, the municipality shall acquire, free of charge, ownership of the building constructed.

(4) Building rights shall be instituted without any tender or competition upon a municipal council resolution adopted by a majority of more than one half of the total number of council members following a procedure as determined in the Ordinance referred to in Article 8, paragraph (2), in favour of:

1. (Repealed, SG No. 54/2008);
2. Legal entities maintained from the public budget;
3. Religious institutions registered under the Religious Denominations Act, or to local units of such institutions, for houses of ritual, prayer or worship, for public religious rituals and services, for temples and monasteries;
4. Other persons, where so provided for by law.

(5) (Amended and supplemented, SG No. 91/2012) Building rights shall be instituted free of charge without any tender or competition upon a municipal council resolution adopted by a majority of two-thirds of the total number of council members.

(6) (Amended and supplemented, SG No. 91/2012) Building rights shall be instituted free of charge without any tender or competition upon a municipal council resolution adopted by a majority of more than one half of the total number of council members following a procedure as determined in the Ordinance referred to in Article 8, paragraph (2), in favour of:

1. Legal entities maintained from the public budget;
2. Religious institutions registered under the Religious Denominations Act , or to local units of such institutions, for ritual, prayer or religious service houses for public religious rituals and services, for temples and monasteries;

3. Other persons, where so provided for by law.

(7) Based on the results of the tender or competition, or on the municipal council resolution, as the case may be, the mayor of the municipality shall issue an order and execute a contract.

Article 38

(Supplemented, SG No. 96/1999, amended, SG No. 101/2004)

(1) (Supplemented, SG No. 15/2011) Rights to superstruction and/or addition to a real property held in municipal private domain ownership, or to a building built on a real property held in municipal private domain ownership shall be instituted under the terms and following the procedure as set out in Article 37, paragraphs (1) and (2).

(2) Rights to superstruction and/or addition to a building built on a real property held in municipal private domain ownership shall be instituted by the mayor of the municipality without any tender or competition, in favour of the owner of the building, and to owners of housing units in multi-level residential buildings, or to their associations, following a procedure as determined by the municipal council in the Ordinance referred to in Article 8, paragraph (2).

(3) Rights to superstruction and/or addition may be instituted under the terms set out in Article 37, paragraphs (5) and (6).

(4) Based on the results of the tender or competition, or on the municipal council resolution, as the case may be, the mayor of the municipality shall issue an order and execute a contract.

Article 39

(Amended and supplemented, SG No. 96/1999, amended, SG No. 101/2004)

(1) (Amended, SG No. 54/2008) The right to use real property and chattels held in municipal private domain ownership shall be instituted upon a municipal council resolution by the mayor of the municipality through a public tender or publicly announced competition.

(2) The time period of the right to use shall be determined by the municipal council and may not be longer than 10 years, unless otherwise provided by a law.

(3) In cases where the persons to whom/which a right of use may be instituted have been determined by law, such right shall be instituted without any tender or competition upon a municipal council resolution, following a procedure as determined in the Ordinance referred to in Article 8, paragraph (2).

(4) (Amended, SG No. 91/2012) Rights of use shall be instituted free of charge without any tender or competition upon a municipal council resolution adopted by a majority of two-thirds of the total number of council members.

(5) In cases where the persons to whom/which a right of use may be instituted free of charge have been determined by law, such right shall be instituted without any tender or competition upon a municipal council resolution adopted by a majority of more than one half of the total number of council members, following a procedure as determined in the Ordinance referred to in Article 8, paragraph (2).

(6) Based on the results of the tender or competition, or on the municipal council resolution, as the case may be, the mayor of the municipality shall issue an order and execute a contract.

Article 40

(Repealed, SG No. 96/1999, new, SG No. 101/2004, amended, SG No. 54/2008)

(1) (Amended, SG No. 10/2009, SG No. 15/2011) No real property held in municipal private domain ownership, building rights to real property held in municipal private domain ownership, or building rights set up in favour of the municipality may be exchanged for real property or building rights owned by individuals or by legal entities, except in the cases provided for by the law.

(2) (Amended, SG No. 10/2009, amended and supplemented, SG No. 41/2009, amended, SG No. 15/2011) Except in the cases referred to in this Act, real property held in municipal private domain ownership, building rights to real property held in municipal private domain ownership or building rights awarded in favour of the municipality may be exchanged for real property or building rights owned by other persons where:

1. the matter concerns fulfillment of obligations stemming from an international agreement;
2. between the municipality and another municipality, or between the municipality and the state;
3. in other cases - under conditions and by a procedure established by law.

(3) In the cases referred to in paragraph (2) the mayor of the municipality shall send a written proposal for exchange to the interested owners or co-owners of real property. The interested owners or co-owners of real property referred to in paragraph (2) may also send a proposal for exchange to the mayor of the municipality. The proposal shall specify the real property or real rights proposed to be exchanged. When agreement is reached, the mayor of the municipality shall table the proposal for exchange before the municipal council.

(4) Regarding the proposals for exchange made, an announcement shall be prepared for each piece of real property and shall be published on the municipality's website. The announcement shall specify the details about the real property or real rights which are the subject of the proposal for exchange. The announcement shall also be placed at the locations designated for that purpose in the building of the municipality, ward or mayoralty, or in the town or village in whose territory the municipal real property is located.

(5) (Repealed, SG No. 15/2011).

(6) The proposals referred to in paragraph (3) shall not oblige the municipal council to perform any exchange. The municipal council's refusals to perform any exchange are unappealable.

(7) No exchange shall be allowed:

1. when the real property owned by third parties is encumbered with a mortgage or any other charges, or is leased out or rented out;
2. (amended, SG No. 15/2011) of municipal regulated parcels designated for housing developments, in return for real property designated for non-housing purposes;
3. of municipal real property for real property of persons about which it has been found out that they are using municipal real property without any rightful claim, that their lease agreements or real right agreements regarding municipal real property have been terminated through their fault, or that the municipality has brought any real action against them;
4. in other cases provided for by law or by the Ordinance referred to in Article (8), paragraph (2).

(8) Exchange decisions shall be adopted by a majority of two thirds of the total number of council members. Based on the municipal council's decision, the mayor of the municipality shall issue an order and contract an exchange agreement.

Article 41

(Amended, SG No. 101/2004)

(1) (Repealed, SG No. 54/2008).

(2) (Amended, SG No. 54/2008, SG No. 15/2011) Disposal transactions with real property or real rights on property - public domain ownership shall be based on market prices, but not lower than their tax valuation. The market prices of the properties and of the real rights shall be determined by the municipal council on the basis of market valuations prepared by valuers selected under the procedure of Article 22 (3), except where a law does not provide otherwise. The opening prices in case of tenders or competitions for management of property or real rights of property - public domain ownership - may not be lower than the prices set by the municipal council.

(3) In the cases referred to in paragraph (2), the payment of the price, in full or in part, in indemnity instruments shall not be admissible.

(4) (New, SG No. 54/2008) Municipalities shall set up and keep public registers of disposal transactions with real property in municipal ownership. Details on the real property shall be entered in said registers in accordance with the title deeds and the types of disposal transactions, together with:

1. the market and tax values of the real property or real rights, the value set by the municipal council and the final value of the transaction;
2. the disposal method - through a public tender, a publicly announced competition, or a decision by the municipal council;

3. the counterparty to the transaction;
4. other details indicated by the municipal council through the Ordinance referred to in Article 8, paragraph (2).

Chapter Five

MUNICIPAL HOUSING

Article 42

(Amended, SG No. 101/2004)

(1) Municipal housing, by the purpose assigned, shall include:

1. For housing, against payment of rent, of individuals with established housing needs;
2. For sale, exchange and compensation of former owners whose real property has been expropriated for municipal needs;
3. For housing own staff;
4. Reserve housing.

(2) Housing under paragraph (1) shall be determined by the municipal council upon a proposal by the mayor of the municipality and may be changed in accordance with the needs in the community.

(3) Hand-over and use of municipal housing for non-residential purposes shall be prohibited.

(4) The prohibition under paragraph (3) shall not apply where the municipality has vacant housing to offer accommodation for which there are no individuals in need that meet the terms set out in Articles 43 and 45. In such cases, the use of municipal housing for non-residential purposes shall be admissible upon a modification to their designated use following the procedure set out in the Spatial Development Act.

Article 43

(Amended, SG No. 96/1999, SG No. 101/2004)

Rental housing shall accommodate:

1. Persons with housing needs established under the procedure set out in the Ordinance referred to in Article 45a, paragraph (1);
2. Lessees in municipal housing affected by new construction, superstructure or addition of new parts of the building, renovation or reconstruction works;
3. Persons whose housing has been restituted to former owners following the procedure set out in Article 7 of the Act Restoring Ownership Of Nationalized Corporeal Immovables.

Article 44

(Amended, SG No. 96/1999, repealed, SG No. 101/2004).

Article 45

(Supplemented, SG No. 96/1999, amended, SG No. 101/2004)

(1) Reserve housing shall be made available for accommodation, against payment of rent, for a term not to exceed two years, to persons:

1. Whose housing has been rendered unfit for habitation as a result of natural or man-made disasters and industrial averages or in danger of collapsing;

2. Whose families have severe social or health problems.

(2) (Repealed, SG No. 54/2008).

Article 45a

(New, SG No. 101/2004)

(1) The terms and procedure for establishing the housing needs and for provision of accommodation against payment of rent in the housing referred to in Articles 43 and 45 shall be established in an ordinance by the municipal council.

(2) The Ordinance referred to in paragraph (1) shall establish also the terms and procedure for provision of accommodation in the housing stock designated for municipal staff.

(3) Vacant municipal housing for which there are no individuals in need that meet the terms set out in Articles 43 and 45 may be rented out at market prices under terms and following a procedure as set out in the Ordinance referred to in paragraph (1).

Article 46

(Amended, SG No. 96/1999, SG No. 101/2004)

(1) Rental relations shall be terminated due to:

1. (Amended, SG No. 54/2008) Failure to pay the rental price or utility bills for more than three months;
2. New construction, superstruction or addition, renovation or reconstruction, where such works affect habitated rooms;
3. Breach of good behaviour norms;
4. Failure to show the care of a good husband in using the housing;
5. Termination of employment, under the Labour Code or Civil Service Act, of persons accommodated in the housing designated for staff, unless otherwise provided for in the Ordinance referred to in Article 45a, paragraph (1);
6. Elapse of the term of accommodation;
7. Lapse of the conditions for accommodating the lessee in municipal housing;
8. Use of the housing for purposes other than the designated use;
9. (New, SG No. 15/2011) Other reasons determined by the ordinance referred to in Article 45a (1).

(2) Rental relations shall be terminated under an order issued by the authority which has issued the order approving its tenancy. The order shall indicate the reasons for terminating the rental relation and the time limit for vacating the housing, which may not exceed one month.

(3) In terminating a rental relation for reasons based on paragraph (1), subparagraph (2), the order referred to in paragraph (2) shall enclose an order granting tenancy in another municipal housing unit, provided the tenant meets the accommodation criteria.

(4) Where the term for accommodation has elapsed, the rental relation may be extended, provided the tenant meets the criteria for accommodation in rental municipal housing.

(5) (Amended, SG No. 30/2006, effective 1.03.2007) The order referred to in paragraph (2) can be appealed before the administrative court following the procedure set out in the Administrative Procedure Code . Appeal shall not stay the execution of the order, unless the court rules otherwise.

Article 47

(Amended, SG No. 101/2004)

(1) Municipal housing designated for sale can be sold upon a municipal council resolution to:

1. (Amended, SG No. 100/2008, effective 21.11.2008) Those entitled under the Act to Settle the Rights of Citizens With

Long-Standing Home Purchase Savings Deposits;

2. Persons whose housing is envisaged for expropriation under the procedure set out in Chapter Three;
 3. Other persons meeting the eligibility conditions for buyers of municipal housing, set out in the Ordinance referred to in Article 45a, paragraph (1).
- (2) Prices of housing designated for sale shall be determined by the municipal council under criteria set out in the Ordinance referred to in Article 45a, paragraph (1). The sale may not be made at a price lower than the tax value of the real property.
- (3) The terms and procedure for selling municipal housing shall be established in the Ordinance referred to in Article 45a, paragraph (1)

Article 48

(Amended, SG No. 96/1999, SG No. 101/2004)

- (1) Reserve municipal housing may not be sold.
- (2) Municipal housing designated for staff use may be sold to staff members who have served for at least five years without interruption in the municipal administration.

Article 49

(1) (Redesignated from article 49, amended and supplemented, SG No. 101/2004, supplemented, SG No. 54/2008, SG No. 41/2009) An exchange of municipal housing for housing or non-residential property owned by the state, by individuals or legal entities shall be done under the terms and procedure set out in Article 40, except for the cases under paragraph 2.

(2) (New, SG No. 41/2009) Exchange of municipal housing against residential real property of natural persons in implementation of the social programmes, adopted by the municipal council shall be done by decision of the municipal council under the procedure set out in the Ordinance under Article 8, Paragraph 2. The exchange is done according to the tax valuation of the residential property exchanged. Following this procedure an exchange may be done only once and only for one residential property, ownership of a natural person, against one municipal residential property.

(3) (New, SG No. 101/2004, supplemented, SG No. 54/2008, renumbered from Paragraph 2, SG No. 41/2009, repealed, SG No. 15/2011).

Article 49a

(New, SG No. 54/2008)

(1) Building rights on any real property held in municipal private domain ownership and designated for construction of social housing units may be instituted without any tender or competition for construction of a residential building, to individuals with established housing needs, to housing development cooperatives or associations whose members are exclusively such individuals, under terms and procedure set out in the Ordinance referred to in Article 45a, paragraph (1). The municipal council shall determine the price of the building rights.

(2) The building rights referred to in paragraph (1) may not be transferred to third parties.

(3) Housing units acquired under the procedure referred to in paragraph (1) may not be leased out or be the subject of disposal for a period of 15 years.

(4) Violation of the limitations referred to in paragraphs (2) and (3) shall constitute grounds for breaking the building rights agreement.

(5) In case of breaking of the agreement, those who have violated the limitations referred to in paragraphs (2) and (3) shall not enjoy the rights provided for in Articles 72 - 74 of the Ownership Act.

Article 50

Occupancy in rental space, sale and exchange of municipal studios and garages is done under the terms and procedures established in the Ordinance under Article 8, paragraph (2).

Chapter Six

MUNICIPAL ECONOMIC ACTIVITY

(Title amended, SG No. 96/1999)

Article 51

(Amended and supplemented, SG No. 96/1999, amended, SG No. 54/2008)

- (1) The municipality may perform economic activities, establish municipal enterprises and participate in joint forms of economic activity under terms and procedures provided for by law.
- (2) (Amended and supplemented, SG No. 45/2012, effective 1.01.2013) The municipality may perform economic activities through companies with municipal participating interest or through unincorporated partnerships under the Obligations and Contracts Act. The municipality may perform economic activities independently through municipal enterprises established under the procedure provided for in this Act.
- (3) The municipality may participate in the performance of the various forms of economic activity with free cash, except for the special-purpose subsidies from the central budget, and with real property and chattels or real rights.
- (4) The municipality may only participate in forms of economic activity in which its liability does not exceed its participating interest. The municipality may not participate in companies as a general partner.
- (5) (Repealed, SG No. 45/2012, effective 1.01.2013).
- (6) (Repealed, SG No. 45/2012, effective 1.01.2013).
- (7) (Repealed, SG No. 45/2012, effective 1.01.2013).
- (8) (Repealed, SG No. 45/2012, effective 1.01.2013).
- (9) (Repealed, SG No. 45/2012, effective 1.01.2013).

Article 51a. (New, SG No. 45/2012, effective 1.01.2013) (1) (Amended, SG No. 96/2017, effective 1.01.2018) The municipality and commercial corporations in the capital whereof the municipality holds a participating interest exceeding 50 per cent may form or participate in commercial corporations whereof the capital is not wholly owned thereby after a resolution of the municipal council. Any such participation may be in the form of a cash or a non-cash contribution.

(2) (Repealed, SG No. 96/2017, effective 1.01.2018).

(3) (Repealed, SG No. 96/2017, effective 1.01.2018).

(4) The terms and procedure for exercise of ownership rights by the municipality in companies with municipal participating interest and for participation of the municipality in civil-law companies and for conclusion of joint-venture agreements shall be set in a regulation issued by the municipal council. This regulation shall provide for:

1. the establishment, transformation and termination of sole shareholder companies with municipal participating interest;
2. the assignment of management and control function, the contents of contracts, composition and powers of the management and control bodies, the procedure to select municipality representatives in the management and control bodies, their rights and obligations, remuneration and liability for non-performance of obligations;
3. the rules for conclusion of rental agreements and for disposal with long-term tangible assets and fro mandatory insurance of property.

Article 51b. (New, SG No. 45/2012, effective 1.01.2013) (1) (Amended, SG No. 96/2017, effective 1.01.2018) The municipality may use as non-cash contribution to the capital of companies unencumbered property and chattel or rights in rem over properties which are private municipal property, in accordance with the terms and procedure set by the rules referred to in Article 51a, paragraph 4, based on a decision of the municipal council adopted with a majority of two-thirds of the total number of municipal councillors.

(2) (New, SG No. 96/2017, effective 1.01.2018) Where there is a private participating interest in the commercial corporation to the capital whereof the non-cash asset is contributed, the municipality shall hold blocking rights upon decision making on:

1. an amendment of the articles of association or of the memorandum of association;
2. increase or reduction of capital;
3. conclusion of any of the transactions referred to in Article 236 (2) of the Commerce Act;
4. effecting transactions disposing of any property which is contributed by the public partner as a non-cash asset;
5. transformation and dissolution of the company.

(3) The capital of sole shareholder municipal companies may be decreased with the value of property and chattel and rights in rem given as a non-cash contribution to their capital, based on a decision by the municipal council.

(4) Property and chattel whose value was deducted from the capital of sole shareholder companies with municipal interest shall become private municipal property as of the date of entry into force of the decision referred to in paragraph 3 and shall be managed following a procedure set by the municipal council.

(5) (Renumbered from Paragraph 2, amended, SG No. 96/2017, effective 1.01.2018) Companies with municipal participating interest may rent out properties or parts thereof which were given by the municipality as a non-cash contribution to their capital or limit rights in rem over such property by public tender or a public tender, following the procedure stated in the rules referred to in Article 51a, paragraph 4. Rental agreements and agreements for the right to use such property may not be made for a period longer than 10 years.

Article 52

(Amended, SG No. 96/1999, SG No. 102/2002, SG No. 101/2004, SG No. 54/2008)

(1) (Amended and supplemented, SG No. 15/2011, amended, SG No. 15/2013, effective 1.01.2014) A municipal enterprise shall be a specialized unit of the municipality designated for performance of local activities and services funded by the municipal budget.

(2) Municipal enterprises shall be established, transformed and terminated through a decision by the municipal council.

(3) Municipal enterprises shall do their business based on Rules adopted by the municipal council.

(4) The Rules referred to in paragraph (3) shall specify the enterprise's scope of business, structure, management, composition and rights and obligations regarding the municipal property placed at its disposal.

(5) (Amended, SG No. 15/2013, effective 1.01.2014, SG No. 43/2016) The director of the municipal enterprise is budget authoriser by sub-delegation.

Article 53

(Amended, SG No. 96/1999, SG No. 101/2004, SG No. 54/2008)

Municipal enterprises may perform the following activities:

1. Management, development, maintenance, repairs and reconstruction of projects, networks and equipment in the technical infrastructure and other real property in municipal ownership, as well as provision of related services to the population;

2. Provision of other services or performance of other local activities required to satisfy the needs of the municipality or of its population, which are funded by the municipal budget, as determined by the municipal council.

Article 54

(Amended, SG No. 96/1999, SG No. 101/2004, SG No. 36/2006, repealed, SG No. 54/2008, new, SG No. 45/2012, effective 1.01.2013, amended and supplemented, SG No. 96/2017, effective 1.01.2018) The activities referred to in Article 53 which are not carried out by municipal enterprises under Article 52, shall be awarded pursuant to the Public Procurement Act and to the Concessions Act.

Article 54a

(New, SG No. 101/2004, amended, SG No. 54/2008)

(1) Municipalities shall set up and keep public registers of companies with municipal participating interest, of municipal enterprises, of the non-profit legal entities and the unincorporated partnerships in which the municipality participates.

(2) (Amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) The sample forms of the registers and the procedure under which they shall be kept and stored shall be determined through an Ordinance of the Minister of Regional Development and Public Works and the Minister of Justice.

Article 55

(Amended, SG No. 96/1999, SG No. 101/2004)

Directors of municipal companies shall be appointed by the mayor of the municipality following a procedure as established by the municipal council.

Chapter Seven

SUPERVISION AND DEED ISSUANCE FOR REAL PROPERTIES CONSTITUTING MUNICIPAL PROPERTY

Article 56

(Amended, SG No. 55/1997, SG No. 101/2004)

(1) (Supplemented, SG No. 54/2008, amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) Title deeds for municipal ownership shall be drawn up for municipal real property using sample forms approved by the Minister of Regional Development and Public Works and the Minister of Justice.

(2) For temporary structures, streets, squares, municipal roads and other linear technical infrastructure, no title deeds for municipal ownership shall be drawn up, unless otherwise provided for in a special law.

Article 57

(Amended and supplemented, SG No. 67/1999, repealed, SG No. 101/2004).

Article 58

(Amended, SG No. 101/2004)

(1) The municipal title deed shall be drawn up in two copies by the municipal official assigned by the mayor of the municipality. The deed shall be signed by the person drawing it up, approved by the mayor of the municipality and submitted for recordation following the procedure set out in the Cadastre and Property Register Act within 7 days of its approval.

(2) (Amended, SG No. 29/2006, supplemented, SG No. 87/2010) The first copy of the deed shall be kept at the registry office and the second one shall be kept at the municipality. A transcript of the deed shall be forwarded, within 7 days of

its recordation, to the geodesy, cartography and cadastre office, to the regional governor and to the persons to whom the property has been handed over.

(3) (Amended and supplemented, SG No. 54/2008, amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) For each municipal real property, a file shall be set up after a sample form approved by the Minister of Regional Development and Public Works and the Minister of Justice, enclosing a copy of the title deed for municipal ownership and the documents evidencing the origination, modification and termination of ownership rights of the municipality, any rights handed over to third parties, and other details specified in the Ordinance referred to in Article 63, paragraph (3).

(4) (Amended, SG No. 54/2008, supplemented, SG No. 87/2010, amended, SG No. 15/2011) Title deeds for municipal ownership of state-owned real property the title of which has been transferred gratuitously to the municipality by the state, and of real property acquired by the municipality through purchasing from the state or through exchange between the municipality and the state, shall be drawn up pursuant to the requirements of Paragraphs (1) through (3) following their removal from the title books of state property under the procedure of the State Property Act. Within 14 days following the passage of the decision of the Council of Ministers for gratuitous transfer of title, respectively - of the signing of a contract of sale or exchange, the competent authority shall expunge the property from the title books of state property and shall hand the property over to the municipality.

(5) (New, SG No. 54/2008, repealed, SG No. 87/2010, new, SG No. 15/2011, amended and supplemented, SG No. 13/2017) Title deeds for municipal ownership of state-owned real property the title of which has been transferred to the municipality under law, shall be drawn up pursuant to the requirements of Paragraphs (1) through (3) following their removal from the title books of state property under the procedure of the State Property Act.

Article 59

(Amended, SG No. 101/2004, SG No. 87/2010)

(1) (Amended, SG No. 15/2011) Upon the entry into force of a cadastral map for the properties constituting municipal property, new municipal property deeds shall be drawn up, wherein the numbers and dates of the previously drawn up municipal property deeds.

(2) (Amended, SG No. 15/2011) Upon the entry into force of detailed master plans for districts where no cadastral map is in effect, as well as in case of amendments to the detailed master plans, to the cadastral map (cadastral plan), to the land distribution plans, to the forest development plans and to other plans related to the restitution of title, if new landed properties are formed, a new municipal property deed shall be drawn up for each newly formed landed property, and the number and date of the deed previously drawn up shall be stated therein.

(3) The numbers and dates of the deeds newly drawn up as referred to in paragraphs (1) and (2) shall also be stated in the deeds previously drawn up and in the relevant registers.

(4) (Amended, SG No. 15/2011) The provisions of Article 58 (1) through (3) shall apply to the deeds newly drawn up as referred to in paragraphs (1) and (2).

(5) (Repealed, SG No. 15/2011).

(6) (Supplemented, SG No. 15/2011, amended, SG No. 91/2012) Municipalities shall not pay fees for the issuance of plats and the provision of information statements on the properties constituting municipal property.

Article 60

(Amended, SG No. 101/2004)

(1) In case of a change in the nature of ownership from public to private domain or vice versa, a new deed shall be drawn up, and the fact shall be noted in both the new and the old deed, and in the registers.

(2) (Repealed, SG No. 54/2008, new, SG No. 15/2011) The provisions of Article 58 (1) through (3) shall apply to the deeds newly drawn up as referred to in Paragraph (1)

(3) (New, SG No. 87/2010, amended, SG No. 15/2011) In case of changes in the details registered in the municipal property deed other than those referred to in paragraph (1) or Article 59, as well as in case an obvious factual error is found, the municipal property deed shall be amended by a corrective deed.

(4) (New, SG No. 87/2010) The numbers and dates of the corrective deeds amending municipal property deeds shall be recorded in the deeds being corrected and in the relevant registers.

(5) (New, SG No. 15/2011) The provisions of Article 58 (1) and (2) shall apply to the corrective deeds for amending municipal property deeds pursuant to Paragraph (3).

Article 60a

(New, SG No. 87/2010)

No fees shall be charged for the registration with the registry office of municipal property deeds and of corrective deeds amending municipal property deeds.

Article 61

(Amended, SG No. 101/2004, SG No. 54/2008)

The title deed of municipal ownership shall include the details referred to in Article 30, paragraph (2), subparagraph (4), Article 60, subparagraphs (1) - (7), Article 61, paragraph (1), subparagraphs (5), (7), (9) and (10), and Article 84, paragraph (2) of the Cadastre and Property Register Act.

Article 62

(1) (Amended, SG No. 101/2004) Title deeds for municipal ownership shall be recorded under consecutive numbers in the register, bound into title deed books and kept in the respective Municipal Property Offices.

(2) (Amended, SG No. 101/2004) Title deed books for municipal properties shall be accessible to the public and anyone may request information contained in them under terms and procedures established in the Ordinance referred to in Article 8, paragraph (2).

(3) (Amended, SG No. 101/2004, SG No. 15/2011) On the municipal title deed for a municipal ownership for a property which has ceased to constitute municipal property it shall be duly recorded that it has been expunged, as well as the grounds for the expungement thereof from the municipal property title books and the deed shall be kept in the manner described under Paragraph (1).

(4) (New, SG No. 15/2011) The issuance of a certificate for the existence or lack of a municipal property deed, for the existence or lack of claims for restoration of property, or a certificate attesting that the property has been expunged from the title books of the properties - municipal domain property - fees shall be paid to amounts determined by the municipal council.

Article 63

(Amended, SG No. 55/1997, SG No. 101/2004)

(1) (Supplemented, SG No. 54/2008, amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) On the basis of the issued deeds for municipal ownership, a master register of properties in municipal public domain ownership shall be set up, using sample forms approved by the Minister of Regional Development and Public Works and the Minister of Justice.

(2) Title deeds for municipal ownership, the master registers and real property files shall be kept in the archives for an indefinite term.

(3) (Amended, SG No. 54/2008, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) Registers shall comprise the dossiers of the separate pieces of real property. The procedure following which the deeds, files and registers shall be set up, kept, stored and amended, shall be established through an Ordinance of the Minister of Regional Development and Public Works and the Minister of Justice.

(4) (New, SG No. 54/2008) Computerized information systems shall be created for the registers referred to in paragraph (1), and said systems shall establish a connection with the Cadastre and the Property Register.

(5) (New, SG No. 54/2008, amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) The terms and procedure under which the information systems shall be created, maintained and used and the data therein

shall be directly accessed shall be determined through an Ordinance by the Minister of Regional Development and Public Works and the Minister of Justice.

Article 64

(1) (Amended, SG No. 101/2004) Real properties inappropriately identified as municipal ownership through title deeds, and real properties for which the grounds for identifying them as municipal ownership through title deeds have ceased to exist shall be removed from the title books under an order of the municipality and shall be turned over to their owner.

(2) Any disputes over substantive law shall be settled through a court procedure.

Article 65

(1) A municipal property which is in possession or is being held on no legitimate grounds, is not being used as designed, or the need for which is no longer there, shall be seized on the basis of an order of the mayor of the municipality.

(2) (New, SG No. 96/1999) In the Municipality of Sofia and cities containing districts, the executive order under paragraph (13) may be issued by the mayor of the ward in cases and under procedures defined by the municipal council.

(3) (Renumbered from Paragraph (2), SG No. 96/1999, amended, SG No. 101/2004) The order to seize a property shall be executed under an administrative procedure with the assistance of the police.

(4) (Renumbered from paragraph (3), SG No. 96/1999) The order under paragraph (1) can be appealed in the order of the Administrative Procedure Code. Appeal shall not suspend the execution of the order, unless the court rules otherwise.

(5) (New, SG No. 54/2008) Those from whom real property has been seized as provided for in paragraph (1), shall not enjoy the rights referred to in Articles 72 - 74 of the Ownership Act.

Article 66

(1) (Amended, SG No. 96/1999, SG No. 101/2004) State authorities shall render the necessary assistance to municipalities with regard to the management and disposal of real property held in municipal ownership.

(2) (Repealed, SG No. 101/2004).

Article 66a

(New, SG No. 101/2004)

The mayor of the municipality shall prepare and present to the municipal council reports on the status of municipal property and the results from its management by type and category of site following a procedure as established in the Ordinance referred to in Article 8, paragraph (2).

Chapter Eight

(Repealed, SG No. 36/2006)

GRANTING CONCESSIONS

Article 67

(Amended, SG No. 96/1999, SG No. 101/2004, repealed, SG No. 36/2006).

Article 68

(Amended, SG No. 96/1999, repealed, SG No. 36/2006).

Article 69

(Amended, SG No. 23/1999, amended and supplemented, SG No. 96/1999, amended, SG No. 101/2004, repealed, SG No. 36/2006).

Article 70

(Amended, SG No. 56/1999, SG No. 64/1999, repealed, SG No. 101/2004).

Article 71

(Amended and supplemented, SG No. 96/1999, repealed, SG No. 36/2006).

Article 72

(Amended and supplemented, SG No. 96/1999, SG No. 101/2004, repealed, SG No. 36/2006).

Article 73

(Amended, SG No. 96/1999, SG No. 101/2004, repealed, SG No. 36/2006).

Article 74

(Amended and supplemented, SG No. 101/2004, repealed, SG No. 36/2006).

Article 75

(Repealed, SG No. 36/2006).

Article 75a

(New, SG No. 101/2004, repealed, SG No. 36/2006).

Chapter Nine

(Repealed, SG No. 54/2008)

ADMINISTRATIVE PENAL PROVISIONS**Article 76**

(Amended, SG No. 96/1999, repealed, SG No. 54/2008).

Article 77

(Amended, SG No. 96/1999, repealed, SG No. 54/2008).

Article 78

(Amended, SG No. 96/1999, repealed, SG No. 54/2008).

Article 79

(Repealed, SG No. 54/2008).

Article 80

(Repealed, SG No. 54/2008).

ADDITIONAL PROVISIONS

§ 1. (Repealed, SG No. 101/2004, new, SG No. 54/2008) Within the meaning of this Act:

1. "Equitable compensation in cash" shall mean the value of an expropriated piece of real property or part thereof as calculated following the procedure prescribed by this Act.

2. (Amended, SG No. 15/2011) "Market value of real property of similar features" shall mean the average values of transactions with real property located in the vicinity of the expropriated real property, which have identical concrete or prevalent usage, have identical character of development with the same or similar indicators of development and structure and/or established manner of permanent use with the expropriated property for: sale, exchange, setting up of real rights or transfer of ownership in return for the obligation to build, mortgage, the sales completed through a tender by state or private enforcement officers, central institutions and municipalities, as well as other transactions for consideration between individuals and/or legal entities in which at least one party is a trader, which have been contracted no more than 12 months before the date on which appraisal was assigned, and which have been registered with the registry office whose area of operation covers the real property concerned. The last entered twenty transactions shall be taken into consideration when determining the market price if within 12 months prior to the date of commissioning the valuation at the registry service according to the location of the property more than twenty transactions have been entered.

3. "Real property, located in the vicinity of the expropriated real property" shall mean real property located:

a) in the same price-zone as the expropriated real property - in urbanized areas;

b) (amended, SG No. 19/2011, effective 9.04.2011) in the same land territory as the expropriated real property - in farmlands and within the wooded areas.

4. (Repealed, SG No. 15/2011).

5. (New, SG No. 15/2011) "Higher value" shall mean the difference in the price of the property prior to the regulation thereof and after the regulation thereof, or after the revision of the development plan and the construction plan in respect to the property.

6. (New, SG No. 15/2011) "Sites of prime importance" shall be: municipal roads, underground railways, tram routes, streets in the primary street network, depots or other facilities for waste treatment, cemeteries, as well as other sites - public domain property, determined in the programme referred to in Article 8 (9) concerning sites of prime importance.

7. (New, SG No. 15/2011) "Equivalent property":

a) properties meeting the characteristics and whose value has been determined under the conditions and by the procedure of Article 23 shall be outside urbanized territories;

b) urbanized territories shall include the properties the difference in the values of which does not exceed ten per cent, have identical concrete or prevalent use, are located within the boundaries of one urbanized territory in a development zone with the same or similar indicators of development and structure, as well as having an identical character of building.

8. (New, SG No. 15/2011) "Properties with close indicators of development and structure" shall be properties of identical character of development where the difference in the maximum density of development does not exceed 5 per cent.

9. (New, SG No. 45/2012, effective 1.01.2013, repealed, SG No. 96/2017, effective 1.01.2018).

§ 2. (Repealed, SG No. 54/2008).

§ 3. (Repealed, SG No. 15/2011).

TRANSITIONAL AND CONCLUDING PROVISIONS

§ 4. Individuals and legal entities using municipal real property shall, within six months of the effective date of this Act, notify in writing the respective Municipal Property authority responsible for the area where the property is located.

§ 5. (1) Title deed issuance for properties constituting municipal property as of the effective date of this Act shall be done within six months of the said date.

(2) Within the term established in paragraph (1), municipal councils announce, in a resolution, the real properties and chattels in municipal public domain ownership.

§ 6. (Repealed, SG No. 101/2004).

§ 7. (1) Lease agreements concluded under the effective procedure prior to 1 June 1996 the term of which has not expired shall preserve their validity until the end of the contracted rental term but for no more than three years after the effective date of this Act.

(2) Municipal councils shall determine the base rental price rates for municipal real property within three months of the effective date of this Act.

(3) Contracts concluded prior to the adoption of resolutions under paragraph (2) at rental prices below the base rates shall be adjusted in accordance to the established base rental price rates.

§ 8. Procedures already under way for the sale, exchange, institution of real rights on realty in municipal private domain ownership, and for the partition of such real property and chattels owned by the municipality by tenure in common, shall be completed under the grandfathered procedure.

§ 9. (1) (Repealed, SG No. 36/2006).

(2) Persons who have, in due course, acquired or who have duly implemented rights over projects under Article 69 and activities under Article 70 prior to the effective date of this Act are obliged to declare such rights before the municipal council within three months of the date this Act comes into force.

(3) With the expiry of the term under paragraph (2), any undeclared rights shall be considered redeemed.

(4) For rights declared under paragraph (2), the municipal council shall issue a decision within one year on adjusting them so as to comply with the law.

§ 10. (1) (Redesignated from § 10, SG No. 22/1998, amended, SG No. 93/1998) With the enactment of this Act, ownership of projects built with state funds, remised to the former people's councils, or built with voluntary labour and funds of the community shall be transferred to the municipality.

(2) (New, SG No. 22/1998) Where proceedings start under Article 9 or Article 28 of the Territorial Administration of the Republic of Bulgaria Act, the disposal of municipal properties on the territory of the respective settlements shall be suspended.

(3) (New, SG No. 22/1998) Where the results of the proceedings under Article 9 or Article 28 of the Territorial Administration of the Republic of Bulgaria Act are negative, the suspension under paragraph (2) shall be discontinued.

§ 11. (Repealed, SG No. 101/2004).

§ 12. In the Concessions Act (promulgated, SG No. 92/1995, SG No. 16/1996 - Decision No. 2 of the Constitutional Court from 1996), in § 1, paragraph (1) of the Transitional and Concluding Provisions, the following change is made:

"(1) Granting concessions on projects constituting municipal property, as well as granting permits for activities which are performed by the municipalities, shall be regulated in a separate Act."

§ 13. In the Safeguarding of Farming Property Act (promulgated, SG No. 54/1974; amended, No. 22/1976, No. 36/1979, No. 28/1982, No. 45/1984, and No. 65/1995), the following changes are made:

1. In Article 10, paragraph (1), the words "leadership of the agricultural organization" are replaced with "the mayor of the ward or municipality".

2. In Article 16, paragraph (2), the words "the agricultural organization" are replaced with "the municipality".

3. In Article 23, paragraph (2), the words "by the agricultural organization" and "or from own funds" are deleted.

§ 14. The Rental Relations Act (promulgated, SG No. 53/1969, amended, Nos. 26, 32 and 43/1973, No. 33/1977, No. 36/1979, Nos. 45 and 63/1984, No. 88/1986, Nos. 21 and 101/1990) is repealed.

§ 15. In the Code of Civil Procedure (promulgated, Izvestiya, No. 12/1952, amended, No. 92/1952, No. 89/1953, No. 90/1955, No. 90/1956, No. 90/1958, Nos. 50 and 90/1961, No. 99/1961, No. 1/1963, No. 23/1968, No. 27/1973, No. 89/1976, No. 36/1979, No. 28/1983, No. 41/1985, No. 27/1986, No. 55/1987, No. 60/1988, Nos. 31 and 38/1989, No. 31/1990, No. 62/1991, No. 55/1992, Nos. 61 and 93/1993, No. 87/1995, Nos. 12, 26 and 37/1996), the following changes are made:

1. In Article 288, paragraph (8), first sentence, the words "the Rental Relations Act" are replaced with "the State Property Act", and in the third sentence, the words "under Article 10 of the Rental Relations Act" are replaced with "established under the effective procedure for state-owned housing".

2. In Article 415, the following changes are made:

a. In paragraph (2), the words "and after the co-partitioner who occupies the housing is provided with a different housing under the terms of Article 46 or 47 of the Rental relations Act, the decision is executed for the part of the housing exceeding the norms under these provisions, without the provision of another housing unit." Are deleted.

b. Paragraphs (3), (4) and (5) are repealed.

§ 16. In § 3 of the Act Restoring Ownership of Corporeal Immovables of Bulgarian Citizens of Turkish Origin Who Took Steps for Departure to the Republic of Turkey and Other Countries in the Period from May to September 1989, (promulgated, SG No. 66/1992, No. 102/1992 - Decision No. 18 of the Constitutional Court from 1992), the words "Article 10 of the Rental relations Act" are replaced with "the State Property Act on state-owned housing".

§ 17. In Article 25 of the Monuments of Culture and Museums Act (promulgated, SG No. 29/1969, amended, No. 29/1973, No. 36/1979, No. 87/1980, No. 102/1981, No. 45/1984, No. 45/1989, Nos. 10 and 14/1990, No. 112/1995, No. 31/1996 - Decision No 5 of the Constitutional Court from 1996), the words "are relieved of the action of the Rental Relations Act and" are deleted.

§ 18. In Article 37, paragraph (4), the first sentence of the Citizens' Property Act (promulgated, SG No. 26/1973, amended, Nos. 32, 43 and 78/1973, No. 21/1975, No. 102/1977, Nos. 3, 52 and 65/1980, No. 45/1984, No. 88/1986, No. 26/1988, No. 31/1989, No. 21/1990), the words "provided with occupancy rights under the terms of the Rental Relations Act" are deleted and the following is added before the end of the sentence: "if they meet the requirements for occupancy in state-owned or municipal housing".

§ 19. Pending court procedures under § 14, 15, 16, and 18 shall be settled under the grandfathered procedures currently in force.

§ 19a. (New, SG SG No. 45/2012, effective 1.01.2013, repealed, SG No. 96/2017, effective 1.01.2018).

§ 19b. (New, SG SG No. 45/2012, effective 1.01.2013, repealed, SG No. 96/2017, effective 1.01.2018).

§ 20. (Repealed, SG No. 101/2004).

§ 21. This Act is effective as of 1 June 1996.

This Act was submitted to a vote and duly adopted by the 37th National Assembly on 9 May 1996 and the State Seal was affixed hereto.

TRANSITIONAL AND FINAL PROVISIONS
to the Lev Re-denomination Act
(Promulgated, SG No. 20/1999,
supplemented, SG No. 65/1999, effective 5.07.1999)

.....
§ 4. (1) (Supplemented, SG No. 65/1999) Upon the entry of this Act into force, all figures expressed in old lev terms as indicated in the laws which will have entered into force prior to the 5th day of July 1999 shall be replaced by figures expressed in new lev terms, reduced by a factor of 1,000. The replacement of all figures expressed in old lev terms, reduced by a factor of 1,000, shall furthermore apply to all laws passed prior to the 5th day of July 1999 which have entered or will enter into force after the 5th day of July 1999.
(2) The authorities, which have adopted or issued any acts of subordinate legislation which will have entered into force prior to the 5th day of July 1999 and which contain figures expressed in lev terms, shall amend the said acts to bring them in conformity with this Act so that the amendments apply as from the date of entry of this Act into force.

.....
§ 7. This Act shall enter into force on the 5th day of July 1999.

TRANSITIONAL AND FINAL PROVISIONS
to the Public Procurement Act
(SG No. 56/1999)

.....
§ 6. (1) For state and municipal procurement adistricts for which a procedure has been initiated or a decision has been taken to make the award prior to the effective date of this Act, the provisions of the now repealed State and Municipal Procurement Act shall apply.
(2) In case of a decision taken to initiate procedures under Article 38 of the Mitigation of Negative Impact of Waste on the Environment Act and under Article 70, items (4), (5) and (7) of the Municipal Property Act prior to the effective date of this Act, these shall be completed under the procedure in place until now.

TRANSITIONAL AND CONCLUDING PROVISIONS
to the Act to Amend and Supplement the Municipal Property Act

(SG No. 96/1999, amended, SG No. 36/2006, effective 1.07.2006)

§ 42. Ownership of built-up and vacant parcels and properties constituting private state property zoned for housing development and for public activities and public works of municipalities according to the provisions of the detailed master plans effective up to the coming into effect of this Act shall be transferred to municipalities.

§ 43. (1) Proceedings underway for leasing out and disposal of properties constituting state property the ownership of which, pursuant to this Act, is transferred to municipalities, shall be brought to completion by the municipalities within the jurisdiction of which such properties are located.

(2) Record files set up with regard to paragraph (1) shall be sent to the respective municipal administrations.

.....

§ 46. (1) Facilities in municipal public domain ownership cannot be part of the assets of single person companies with municipal property.

(2) Municipal councils shall undertake all necessary measures to decrease the capital thereof by the value of the facilities referred to under paragraph (1) in the procedure established by the Commercial Act.

(3) Municipal councils may grant concessions to companies, without a tender or a competitive bidding process, on the facilities referred to under paragraph (1) within three months following the effective date of this Act.

(4) In performing a valuation, for privatization purposes, in the cases stipulated under Article 3 and Article 71, paragraph (3), the concession rights ceded and the concession fee due shall be taken into consideration. The privatization agreement shall be concluded after concluding the concession agreement.

(5) (Repealed, SG No. 36/2006).

.....

§ 48. Municipal enterprises and companies performing business activities beyond the ones referred to in Article 53 shall be transformed into single person companies with municipal property by 31 May 2000.

§ 49. Any contracts concluded by regional governors for facilities listed in Article 2 paragraph (1), subparagraph (6) shall remain effective.

This Act was submitted to a vote and duly adopted by the 38th National Assembly on 21 October 1999 and the State Seal was affixed hereto.

TRANSITIONAL AND FINAL PROVISIONS

to the 2000 State Budget of the Republic of Bulgaria Act

(SG No. 1/2000)

.....

§ 51. (1) As of 1 January 2000, extra-budgetary accounts referred to in Article 52, paragraph (2) of the Municipal Property Act shall be closed.

(2) By 31 March 2000, the Council of Ministers should introduce to the National Assembly a bill for amending the Municipal Property Act for the changes arising from the provision of paragraph (1).

TRANSITIONAL AND FINAL PROVISIONS

to the Act to Amend and Supplement the Municipal Property Act

(SG No. 101/2004)

§ 74. (1) Proceedings under way to expropriate real property held privately shall be completed following the procedure set out in this Act, except in cases of court proceedings for admissibility of the expropriation.

(2) The institution of court proceedings for admissibility of expropriation shall be completed in observance of the time limits set up in Article 27.

§ 75. All title deeds for municipal ownership drawn up under the procedure of the law, whatever the date on which they have been drawn up, shall be recorded upon the order of the recordation judge.

§ 76. (1) Within six months of the entry into force of this Act, the Minister of Regional Development and public Works shall issue a regulation approving the sample form standards for title deeds of municipal ownership and for the registers, and determining the procedure for keeping and storing them.

(2) Mayors of municipalities shall organize the establishment of the registers referred to in this Act within three months of the effective date of the regulation referred to in paragraph (1).

§ 77. (1) Registers referred to in this Act shall be public. Interested parties shall have the right, under a procedure established by the mayor of the municipality, to free access to the data in them, except where such data constitute classified information in the meaning of the Classified Information Protection Act.

(2) Until the registers have been set up, the information referred to in Article 75a concerning concession agreements may be obtained freely by any natural person or legal entity on the basis of a written inquiry addressed to the mayor of the municipality.

§ 78. (1) Within three months of the entry into force of this Act, municipal councils shall adopt amendments and supplements to ordinances concerning the implementation of this Act.

(2) Rental agreements entered into for a period of less than 10 years whose term has not expired may, upon a request by the tenant, be extended for a period of up to 10 years under a municipal council resolution.

.....

TRANSITIONAL AND FINAL PROVISIONS
of the Administrative Procedure Code
(SG No. 30/2006, effective 12.07.2006)

.....

§ 89. In the Municipal Property Act (promulgated State Gazette No. 44/1996; amended, SG No. 104/1996, SG No. 55/1997, amended and supplemented, SG No. 22/1998, amended, SG No. 93/1998, SG No. 23/1999, SG No. 56/1999, SG No. 64/1999, SG No. 67/1999, SG No. 69/1999, SG No. 96/1999, SG No. 26/2000, SG No. 34/2001, SG No. 120/2002, SG No. 101/2004) shall be amended as follows:

5. Everywhere in the Act the words "the Administrative Procedure Act" shall be replaced by "the Administrative Procedure Code".

.....

TRANSITIONAL AND FINAL PROVISIONS
to the Act to Amend and Supplement the Municipal Property Act
(SG No. 54/2008)

§ 37. (1) Within three months as of this Act's entry into force, the Minister of Regional Development and Public Works and the Minister of Justice shall approve the sample forms of the title deeds for municipal ownership and of the registers and shall issue the Ordinances referred to in this Act.

(2) The mayors of municipalities shall arrange for the registers referred to in this Act to be established within three months as of the entry into force of the relevant Ordinances referred to in paragraph (1).

(3) The mayors of municipalities shall arrange for the register referred to in Article 41, paragraph (4) to be established within three months as of this Act's entry into force.

(4) Municipal councils shall adopt the municipal property management strategies, the amendments and supplements to the ordinances on the application of the Act and shall establish the price zones in urbanized areas within three months as of this Act's entry into force.

(5) Expropriation proceedings regarding which municipal councils have adopted decisions under the repealed Article 23 shall be finalized following the procedure in place until now.

.....

§ 42. In the case of unfinalized proceedings for sale of land held in municipal private domain ownership to owners of buildings constructed legally thereon initiated under the repealed § 27 of the Transitional and Final Provisions of the Act to Amend and Supplement the Ownership Act (SG No. 33/1996) regarding which applications have been submitted to the mayor of the municipality until the day of this Act's entry into force, the value of the land shall be calculated by augmenting the tax value by 20 per cent.

TRANSITIONAL AND FINAL PROVISIONS
to the Act amendment on Ownership and Use of Agricultural Land
(SG No. 10/2009)

.....

§ 18. (1) The proceedings started before the entry into force of this law under Article 45 of the State Property Act and Article 40 of the Municipal Property Act shall be completed under the previous order no later than March 1, 2009.

(2) Start of production of paragraph 1 is the date on which the parties concerned have made a written proposal to return to the competent authorities.

.....

TRANSITIONAL AND FINAL PROVISIONS
to the Act to Amend and Supplement the Spatial Development Act
(SG No. 17/2009)

§ 12. Any lots or parts of lots constituting state property which, according to the effective detailed plans, are allocated or assigned for needs of education, science, health care or culture, shall be provided by the Council of Ministers for management to the competent ministry depending on the assigned use of the said lots in the detailed plan within three months after the entry into force of this Act.

§ 13. (1) Upon the entry into force of this Act, the application of the effective detailed plans shall be suspended in the parts thereof relating to any lots whereof the ownership has been restituted to any establishments of education, science, health care or culture and whose assigned use has been altered for other needs by the said plans.

(2) Should there be any state or municipal need, within one year after the entry into force of this Act the competent authorities referred to in Article 135 (1) of the Spatial Development Act shall issue an order referred to in Article 135 (5) of the Spatial Development Act modifying the detailed plans referred to in Paragraph (1). The state or municipal need

shall be in place if, within the same time limit, the competent government minister or Municipal Council has approached the competent authority with a proposal for modification of the plans referred to in Paragraph (1).

(3) Within one year after the entry into effect of the detailed plans as modified under Paragraph (2), the State or the municipality shall condemn the lots or parts of lots concerned according to the procedure established by the State Property Act or, respectively, according to the procedure established by the Municipal Property Act.

(4) Paragraph (1) shall not apply if an order modifying the relevant detailed plan has not been issued within the time limit referred to in Paragraph (2).

(5) The owners of any lots or parts of lots which are subject to the plan referred to in Paragraph (2), which have not been condemned within the time limit referred to in Paragraph (3), shall enjoy the rights referred to in Article 135 (1) of the Spatial Development Act.

.....

§ 16. Any proceedings for the restitution of ownership to any lots constituting public state property and any lots constituting public municipal property, which have not been concluded until the entry into force of this Act, shall be terminated.

TRANSITIONAL AND FINAL PROVISIONS

to the Act to Amend and Supplement the Municipal Property Act

(SG No. 15/2011)

§ 23. (1) The procedures on expropriation of private properties for which an order pursuant to Article 25 (2) has been issued and which have begun by the date this Act becomes effective shall be completed by the hitherto existing procedure.

(2) In the cases referred to in Paragraph (1) the requests pursuant to Article 29 (7) may be filed within six months after this Act becomes effective.

§ 24. Where by the date this Act becomes effective the three-year term referred to in Article 31 (1) has expired and the construction of the site under the detailed master plan has not commenced, or the property is not being used according to the use for which it was expropriated, the requests for revokal of expropriation may be submitted within a year after this Act becomes effective.

TRANSITIONAL AND FINAL PROVISIONS to the Forestry Act

(SG No. 19/2011, effective 9.04.2011)

§ 3. (Effective 8.03.2011 - SG No. 19/2011) (1) Landed properties within wooded areas acquired from the State by natural persons, legal entities or municipalities as a result of land swaps effected prior to the date of promulgation of this Act in State Gazette shall not be subject to change of purpose in accordance with the provisions hereof, and no construction work can be carried out on them.

(2) The restriction as per (1) above shall also apply in the event of change of ownership of such landed properties, where said wooded area is acquired by the State.

(3) The restriction as per (1) above shall not apply in case where the change of purpose is made for building a site or facility of national significance or a municipal site or facility of prime significance in the sense as per the State Property Act and the Spatial Development Act, which shall be in public state or municipal ownership.

(2) Within one month from the date of promulgation of this Act, the Ministry of Agriculture and Food shall cause a list of the properties as per (1) above to be promulgated in State Gazette.

(5) Within 14 days from the promulgation of the list as per (4) above, the Geodesy, Cartography and Cadastre Agency, the municipal agriculture services and the Registration Agency shall cause the restrictions as per (1) to be reflected in the cadastral maps, resp., the restituted property map, and in the property register.

§ 4. (1) Within one month from the entry into force of this Act, the Minister of Agriculture and Food shall issue an order to appoint the regional commissions to prepare lists of landed properties within wooded areas having the characteristic features of forest, in the sense as per Article 2 (1), item 1, which towards the date of entry into force of this Act had not been entered as such in the cadastral map or the restituted property map.

(2) The commissions as per (1) above shall be comprised of a representative of the Regional Agriculture Directorate (Chair of the Commission) and the following members: a representative of the relevant municipality appointed by the mayor thereof, a representative of the relevant municipal agriculture service, a representative of the relevant geodesy, cartography and cadastre service, and a representative of the relevant regional forestry directorate.

(3) The regional commission shall verify in situ, by way of a desk review, or on the basis of the digital ortho-photographic map, the existence of landed properties as per (1) within the territorial area of operation of the relevant state forest enterprise, and shall draw up a protocol of its findings, with a list of such properties attached therewith. Said protocol shall describe the size of the properties in question, the type and origin of the forest and shall be supported by a plan of each property and a taxonomic description.

(4) The protocol as per (3) above shall be submitted within 6 months from the date of entry into force of this Act to be endorsed by the Minister of Agriculture and Food.

(5) Within 14 days from the date of endorsement of the protocol as per (1) above, the Minister of Agriculture and Food shall issue an order whereby said landed properties shall be designated as wooded areas. Said order shall be forwarded to the municipal agriculture service or the relevant geodesy, cartography and cadastre service.

(6) The order as per (5) above shall be handed to the owners of properties as per (1) above, and shall be subject to appeal in accordance with the Administrative Procedure Code.

(7) Following the entry into force of the order as per (5) above, a copy thereof shall be forwarded to the regional forestry directorate and the relevant geodesy, cartography and cadastre service in cases where a cadastral map has been approved for the relevant territory, or to the municipal agriculture service for entry of the landed properties concerned as wooded areas into the relevant cadastral map or restituted property map.

§ 5. (1) Applications for exclusion of territories from the forest estate, for granting user rights or right of way in respect of forests and lands within the state forest estate, as well as applications as per § 123 of the Transitional and Final Provisions of the Law on the Amendment and Supplement of the now repealed Forestry Act (promulgated in State Gazette No. 16/2003; amended, SG No. 29 and 34/2006), submitted prior to the entry into force of this Act, shall be considered in accordance with the currently applicable procedure, whereas the value of properties shall be determined in accordance with the ordinance as per Article 86 (2) hereof, in cases of expiry of the term of validity of a certificate of value issued in accordance with the Ordinance on Determining the Basic Prices, Prices of Excluded Lands, User Rights and Right of Way in Forests and Lands within the Forest Estate (promulgated, SG No. 101/2003; amended, No. 39/2004, No. 6/2005, No. 1/2007, No. 38/2010).

(2) Procedures as per Article 15b of the now repealed Forestry Act launched prior to the entry into force of this act, shall be terminated.

(3) Procedures as per Article 14d (2) of the now repealed Forestry Act shall be completed in accordance with the current procedure in cases where the entity that requested such exclusion:

1. has submitted, or submits within three months from the entry into force of this Act, an application supported with all requisite documents, and

2. said entity has paid the amount due for such transaction within 6 months from the entry into force of the order of sale, property swap or granting a limited real right.

(4) Failure to satisfy the requirements as per (3) above shall result in the extinction of the rights of entities to whom a change of purpose was granted.

(5) In cases as per (4) above, the Minister of Agriculture and Food shall issue an order for the properties in question to be registered as wooded areas; a copy of said order shall be forwarded to the regional forestry directorate and the relevant geodesy, cartography and cadastre service, or to the municipal agriculture service, for entry of said changes into the cadastral map or restituted property map. The Minister shall also file a request in accordance with the procedure as per the Spatial Development Act, for a change to be made in the relevant zoning plan.

(1) Where a detailed zoning plan is developed in respect of landed properties within wooded areas that are subject to

sale in accordance with § 123 of the Transitional and Final Provisions of the Law on the Amendment and Supplement of the now repealed Forestry Act (promulgated in State Gazette, No. 16/2003; amended, SG No. 29 and 34/2006), the statutory adjacent area subject to such sale shall be determined on the basis of the maximum allowed statutory rates of development density and intensity for individual types of territory and zone.

(7) The provisions of Article 73 (5) and Article 78 (4), item 2, and (7) shall also apply to proceedings conducted in accordance with the now repealed Forestry Act, seeking exclusion or change of purpose in respect of lands and forests within the forest estate, for purposes of construction of sites and facilities of national significance or municipal sites and facilities of prime significance, which have not been completed by the date of entry into force of this Act.

(8) The provision of Article 78 (3), item 2, shall not apply to completed procedures as per the now repealed Forestry Act.

(9) In cases where, towards the date of entry into force of this Act, an application for advance clearance has been granted, or is submitted and pending, for exclusion of areas from the forest estate, the procedure of changing the purpose of such properties shall be completed in accordance with the currently applicable procedure.

§ 6. (1) Wooded areas subsumed within the boundaries of urban areas, whether nuclear or dispersed, defined by both a development and a zoning plan, or by an outlying land strip, approved prior to June 1st, 1973, shall be considered to be of changed purpose, and shall not be subject to purpose changing procedures as per this Act. Any change of the functional purpose or the zoning provisions regarding such lands shall be effected in accordance with the Spatial Development Act.

(2) In respect of wooded areas subsumed within the boundaries of urban areas, whether nuclear or dispersed, whether defined by a detailed zoning plan, a development and a zoning plan, or by an outlying land strip, approved after June 1st, 1973, in respect of which no procedures have been initiated to change their purpose in accordance with the now repealed Forestry Act, a procedure for change of their purpose in accordance with this Act shall be instituted, at the initiative of their owners.

(3) In cases as per (2) above, where such territories are developed, the price of changing their purpose shall be determined on the basis of data from the latest forest design plan preceding their development.

§ 7. (1) From the date of entry into force of this Act, state forest nurseries created within agricultural lands or urban areas shall become wooded areas.

(2) Within one year from the entry into force of this Act, the director of the regional forestry directorate shall file a request with the relevant municipal agriculture service, as well as with the geodesy, cartography and cadastre service, to have the properties as per (1) above entered as wooded areas into the restituted property map, resp. the cadastral map.

§ 8. Schools of higher learning, research institutes and research stations primarily engaged in forest research and training of forestry personnel shall retain the rights vested in them by law or by an administrative act of the Council of Ministers in respect of wooded areas designated for research or experimental and educational purposes.

§ 9. (1) Within 7 days from the entry into force of this Act, the Minister of Agriculture and Food shall issue orders determining the area of operation of the state enterprises as per Appendix 1 as well as the seats and registered addresses of those.

(2) From the date of entry into the commercial register of the state enterprises as per Appendix 1, they shall be the legal successor to the state game reserves as per Annex 2, items 1 through 25, of the Hunting and Game Protection Act, with all their assets and liabilities and with their archive, as well as to the state forest enterprises in existence towards the date of entry into force of this Act.

(2) From the date of entry into the commercial register of the state enterprises as per Appendix 1, the state forest enterprises and the state game reserves in existence towards the date of entry into force of this Act shall become territorial affiliates of the relevant state enterprise within whose area of operation they are located.

(4) Where, towards the date of entry into the commercial register as per (3) above, the area of operation of a state forest enterprise or a state game reserve falls within the areas of operation of two or more state enterprises as per Appendix 1, the relevant enterprise or reserve shall become a territorial affiliate of the state enterprise within whose area of operation its seat and registered address is located.

(5) The areas of operation of the territorial affiliates as per (3) and (4) above shall encompass the areas of operation,

resp. the territorial scope of operation, of the state forest enterprises and the state game reserves in existence towards the date of entry into force of this Act.

(6) From the date of entry into the commercial register of the state enterprises as per appendix 1, the registration of the relevant state forest enterprises or state game reserves shall be deleted.

(7) The boundaries of areas of operation of game reserves, where approved by an order of the Minister of Agriculture and Food prior to the entry into force of this Act, shall be preserved.

(8) Contracts as per Article 9 (12) and Article 36m of the Hunting and Game Protection Act, as well as contracts whereby the stewardship of game is delegated to state game reserves, concluded by the state forest enterprises and state game reserves as per (2) and (3) above prior to the entry into force of this Act, shall remain in full force and validity.

(9) (Effective 8.03.2011 - SG No. 19/2011) The state game reserves Beglika, Midjour, Seslav, Razlog, Tervel, Rhodopi, Preslav, Toundja, Kotel, Bolyarka and Alabak, in existence towards the date of promulgation of this Act, shall become state forest enterprises.

(10) (Effective 8.03.2011 - SG No. 19/2011) Management contracts concluded with the directors of state game reserves as per (9) above shall remain in full force and validity, whereas the employment arrangements with their workers and employees shall be determined as per Article 123 of the Labor Code.

(11) (Effective 8.03.2011 - SG No. 19/2011) Contracts as per Article 9 (12) of the Hunting and Game Protection Act concluded by the state game reserves as per (9) above, as well as contracts whereby the stewardship of game is delegated to state game reserves, shall remain in full force and validity.

§ 10. Until the state enterprises as per Appendix 1 are entered into the commercial register, the current bank accounts of state forest enterprises and state game reserves shall be used for remittance of proceeds and the making of payments.

§ 11. During the year 2011, the State Enterprises as per Appendix 1 shall remit to the budget of the Ministry of Agriculture and Food 50 percent, and during 2012, 25 percent of proceeds as per Article 179 (1) above.

§ 12. The directors of state forest enterprises and state game reserves in existence towards the date of entry into force of this Act shall be reappointed as directors of the relevant territorial affiliates of the state enterprises as per Appendix 1, and shall conclude a management contract with the director of the relevant enterprise.

§ 13. Employment relations with the workers and employees of state forest enterprises and state game reserves in existence towards the date of entry into force of this Act shall be regulated in accordance with Article 123 of the Labor Code; these shall be reappointed with the relevant territorial affiliates of the state enterprises as per Appendix 1.

§ 14. In their designated area of operation, experimental/educational forest farms shall operate and shall perform the functions of state forest enterprises and state game reserves assigned to them by force of this Act, the Hunting and Game Protection Act and the relevant secondary legislation governing the implementation of those, unless otherwise provided by another law.

§ 15. Within 6 months from the adoption of the ordinance as per Article 175, the directors of state enterprises and the directors of territorial affiliates shall approve the lists of positions for the central offices, resp. the territorial affiliates of these enterprises, and shall bring the payrolls of their workers and employees in line with the new remuneration system.

.....

§ 33. (1) Within one year from the entry into force of this Act, persons possessing a certificate of a completed training course in appraisal of forests and lands within the forest estate issued by the University of Forest Engineering, the Forestry Institute of the Bulgarian Academy of Sciences, the National Forestry Board, the State Forestry Agency or the Executive Forestry Agency shall be entered by right into the register as per Article 15 of the Independent Valuers Act.

(2) Registration as per (1) above shall be made on the basis of an application supported by a copy of the certificate of a completed training course in appraisal of forests and lands within the forest estate.

(3) Following expiry of the time period as per (1) above, wooded areas shall only be appraised by valuers entered into the register as per (1) above.

§ 34. Any and all industry guilds and associations registered prior to the date of entry into force of this Act shall be re-registered within one year in accordance with the requirements herein.

§ 35. (1) Within one year from the entry into force of this Act, the Executive Forestry Agency shall re-register any and all persons entered into the public registers as per Article 39 (2) and Article 57a (1) of the now repealed Forestry Act.

(2) Persons entered into the public registers as per Article 39 (2) of the now repealed Forestry Act shall be entered into the register as per Article 235 herein, and shall be issued a certificate of registration, as follows:

1. a certificate for "planning and implementation of afforestation activities" shall be issued to persons possessing a certificate for "collection and harvesting of seeds, production of saplings and other reproductive materials for forest tree and bush species, establishment of forest cultures and drawing up of reporting documents, accompanying the activity" as per the now repealed Forestry Act;

2. a certificate for "marking of trees scheduled to be felled" shall be issued to persons possessing a certificate for "marking of trees, subject to felling, raising young plantations without production of material, trimming of trees and drawing up of reporting documents, accompanying the activity" as per the now repealed Forestry Act;

3. a certificate for "development of terms of reference and forestry plans and programs" shall be issued to persons possessing a certificate for "development of terms of reference and organizational forest products, plans and programs for forests and lands of the forest estate" as per the now repealed Forestry Act;

4. a certificate for "development of forestry plans and programs and inventories of wooded areas" shall be issued to persons possessing a certificate for "development of terms of reference and organizational forest projects, plans and programs for forests and lands of the forest estate" as per the now repealed Forestry Act;

5. a certificate for "development of terms of reference and projects, plans and programs for erosion control and biological re-cultivation of damaged terrains" shall be issued to persons possessing a certificate for "development of terms of reference and projects, plans and programs for erosion control and biological re-cultivation of damaged terrains" as per the now repealed Forestry Act;

6. a certificate for "planning and implementation of timber harvesting" shall be issued to persons possessing a certificate for "organization of lumbering and development of transportation and technological projects, plans and schemes for usage of forests and lands of the forest stock and drawing up of documents accompanying this activity" as per the now repealed Forestry Act;

7. a certificate for "planning and implementation of the harvesting of non-timber forest products" shall be issued to persons possessing a certificate for "organization of lumbering and development of transportation and technological projects, plans and schemes for usage of forests and lands of the forest stock and drawing up of documents accompanying this activity" as per the now repealed Forestry Act;

8. a certificate for "designing forest tracks navigable by motor vehicle and the relevant infrastructural facilities" shall be issued to persons possessing a certificate for "drawing of plans for forest roads and installations" as per the now repealed Forestry Act.

(3) The entries of persons into the public register as per Article 39 (2) of the now repealed forestry Act for the activities "evaluation of forests and lands of the forest estate", "management of forests and lands of the forest stock, owned by natural and legal persons and municipalities" and "expert appraisals and consultations on forestry activities" shall be deleted.

(4) Persons who have been entered into the register as per (3) above for the activity "evaluation of forests and lands of the forest estate" may seek entry into the public register as per the Independent Valuers Act within one year from the entry into force of this Act. Until they are entered into said register, such persons shall have the right to appraise wooded areas on the basis of their certificate of a completed course in appraisal of forests and lands of the forest estate.

(5) Merchants entered into the public register as per Article 57a (1) of the now repealed Forestry Act shall be entered into the register as per Article 241 herein and shall be issued a certificate of registration as follows:

1. a certificate for "management of wooded areas" shall be issued to merchants possessing a certificate for "forest reproduction" as per the now repealed Forestry Act;

- 2. a certificate for "timber harvesting" shall be issued to merchants possessing a certificate for "use of timber from the forest estate" as per the now repealed Forestry Act;
- 3. a certificate for "development of plans and programs for management and development of wooded areas" shall be issued to merchants possessing a certificate for "zoning of lands and forests of the forest estate and of game stewardship areas" as per the now repealed Forestry Act.
- (6) The re-registration as per paras (1) - (5) above shall be done ex officio and free of charge.
- (7) Para (6) shall not apply in cases where in parallel with the re-registration the entitled person has also applied for entry into the register of changed circumstances.
- (8) Until they are re-registered, the persons as per paras (1) - (7) above shall use the certificates of registration issued in accordance with the now repealed Forestry Act to prove their right to perform activities in wooded areas.
- (9) Holders of a certificate of completed course in appraisal of forests and lands in the forest estate issued prior to the date of entry into force of this Act shall have the right to perform appraisals of wooded areas until they are entered into the register as per the Independent Valuers Act.

§ 36. (1) Within one year from the entry into force of this Act, employees of state forest enterprises, state game reserves and educational and experimental forest farms who occupy positions for which a degree in forest engineering is required shall be allowed to perform activities in wooded areas without being entered into the public register as per Article 235.

(2) Within the time period as per (1) above, those employees shall cause themselves to be entered into the public register as per Article 235.

(3) State forest enterprises, state game reserves and educational and experimental forest farms may use the forest control markings in their possession for a period of two years following the entry into force of this Act, and shall make these available to:

- 1. their employees with a degree in forest engineering, irrespective of whether they are entered into the register as per Article 235, until the expiry of the time period as per (1) above;
- 2. their employees with a degree in forest engineering entered into the public register as per Article 235, following expiry of the time period as per (1) above.

§ 37. (1) The Executive Director of the Executive Forestry Agency shall issue an order endorsing the specimens of the requisite standard documents as per this Act, unless otherwise provided by another statutory act. Such specimens shall be posted on the website of the Executive Forestry Agency.

(2) The order as per (1) above shall also define the terms, conditions and procedure of issuance and accountability of such documents, as well as those documents that can be submitted in electronic format.

§ 38. (1) Any pieces of secondary legislation issued on the strength of the now repealed Forestry Act shall remain in force and validity as long as they do not come in conflict with this Act.

(2) Until the adoption of regional plans for the development of wooded areas, the categorization and re-categorization of wooded areas shall take place in accordance with the ordinance as per Article 18 (1).

(3) Any pieces of secondary legislation issued by the Executive Director of the Executive Forestry Agency in compliance with the provisions of this act shall be promulgated in State Gazette.

§ 39. Within one month from the entry into force of this Act, the Council of Ministers shall bring the Rules of Organization of the Executive Forestry Agency in compliance herewith.

.....

TRANSITIONAL AND FINAL PROVISIONS
to the Public-Private Partnership Act

(SG No. 45/2012, effective 1.01.2013)

§ 16. This Act shall enter into force on 1 January 2013, with the exception of § 4, § 5, § 7, § 8, § 9, § 10 and § 13, which enter into force on 1 September 2012.

FINAL PROVISIONS

to the Act on Amendment and Supplement of Municipal Property Act

(SG No. 91/2012)

§ 5. Paragraph 1 shall apply from 1 January 2013.

TRANSITIONAL AND FINAL PROVISIONS

to the Act on Amendment and Supplement of Spatial Development Act

(SG No. 66/2013, effective 26.07.2013)

§ 74. In the Municipal Property Act (promulgated, SG No. 44/1996, amended, SG No. 104/1996, SG No. 55/1997, SG No. 22 and 93/1998, SG No. 23, 56, 64, 67, 69 and 96/1999, SG No. 26/2000, SG No. 34/2001, SG No. 120/2002, SG No. 101/2004, SG No. 29, 30 and 36/2006, SG No. 59, 63 and 92/2007, SG No. 54, 70 and 100/2008, SG No. 10, 17, 19 and 41/2009, SG No. 87/2010, SG No. 15 and 19/2011, SG No. 45 and 91/2012, SG No. 15/2013) the words "the Minister of Regional Development and Public Works" is replaced with "Minister of Regional Development".

TRANSITIONAL AND FINAL PROVISIONS

to the Act to Amend and Supplement the Spatial Development Act

(SG No. 98/2014, effective 28.11.2014)

§ 74. In the Municipal Property Act (promulgated, State Gazette No. 44/1996; amended, SG No. 104/1996, SG No. 55/1997, amended and supplemented, SG No. 22/1998, amended, SG No. 93/1998, SG No. 23/1999, SG No. 56/1999, SG No. 64/1999, SG No. 67/1999, SG No. 69/1999, SG No. 96/1999, SG No. 26/2000, SG No. 34/2001, SG No. 120/2002, SG No. 101/2004, Nos. 29, 30 and 36/2006, Nos. 59, 63 and 92/2007, Nos. 54, 70 and 100/2008, Nos. 10, 17, 19 and 41/2009, No. 87/2010, Nos. 15 and 19/2011, Nos. 45 and 91/2012, No. 15/2013, Judgment No. 6/2013 of the Constitutional Court - SG No. 65/2013, No. 66 and 109/2013) everywhere in the text the words "Minister of Regional Development" shall be replaced by "Minister of Regional Development and Public Works".

TRANSITIONAL AND FINAL PROVISIONS

to the Act to Amend and Supplement the State Property Act

(SG No. 105/2014)

§ 9. (1) The pending procedures for expropriation of private properties shall be finalized under the terms and procedure of this Act, with the exception of the cases under Article 39a, paragraph (1), for which a deadline of three months shall apply.

(2) In case of provisional execution effectively allowed by court a building permit shall be issued. The building permit shall be issued to the investor in the national project - an assignor within the meaning of the Spatial Development Act.

.....